

# SOCIAL WRECKAGE:

A Review of the Laws of England  
as they affect the Poor.

By FRANCIS PEEK.

LONDON:  
WM. ISBISTER, LIMITED,  
56, LUDGATE HILL.  
1883.

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# SOCIAL WRECKAGE

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## PREFACE.

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WHILE engaged some years since in work having for its object the improvement of the condition of the poorest classes, I found the fact so evident that a large proportion of the prevailing moral and physical degradation was the result of the direct or indirect influence of bad laws that I was led to call attention to the subject in a little book entitled "Our Laws and Our Poor," which, aided by kind notices in many of the leading journals, has not, I believe, been altogether useless, but has in some measure helped to promote the introduction of valuable reforms. A demand for further copies of the book induces me to publish, in place of a fresh edition, the present volume, which, while it contains all that is still valuable of the former, includes other matter which further study and

experience have led me to believe worthy of the earnest attention of all who take an interest in the welfare of their country, and especially in the amelioration of the condition of the poor.

It may appear extravagant to assert that the laws of England, as far as they affect the poorer classes of the community, are in many respects a disgrace to a civilized, not to say a Christian nation. Yet it is difficult, in face of such facts as are brought forward in the following pages—facts which can be easily verified—to avoid this conclusion.

To state the matter more particularly :—

Firstly, as regards the Poor-Laws, there is an almost universal concurrence of opinion among those who have studied the subject, that the influence of these laws in the past, and to a great extent in the present, even as now administered, is to foster pauperism and discourage providence.

Secondly, with respect to the Licensing Laws, there is no denying that these give undue facilities for indulgence in drunkenness, and throw unnecessary temptations in the way of the poorer classes ; while the practical



immunity from punishment of publicans who have justly incurred it by permitting drunkenness, and the lenient view magistrates often take of offences committed by persons under the influence of drink, tend to make the crime of drunkenness appear venial.

Thirdly, as regards the Administration of Justice, the perplexities of the law itself are most mischievous; the way in which witnesses are treated when giving evidence is often cruel; and our legal procedure is so dilatory and expensive that it offers facilities for a penniless adventurer to rob a rich man of his money, or for a wealthy scoundrel to ruin his poorer neighbour.

Fourthly, there is the inhuman spirit which pervades the Criminal Law, and which is intensified by the unequal punishments inflicted by judges and magistrates, teaching that a man's person is far less sacred than his property, that the smallest theft is more criminal than the grossest cruelty, and this tends to brutalize the lawless classes.

Fifthly, the Laws relating to Women are both immoral and unjust. They place the harlot in a better and safer position than

the married woman. They strictly guard, up to twenty-one years of age, the persons of girls who have property, while they afford no protection, after the age of thirteen, to any females without property. Poor girls, though still mere children, may with impunity be robbed of their virtue and ruined for life, even though deception and fraud be used, which, if employed for the purpose of obtaining money, would be punished with stern severity.

Lastly, the punishments for serious crime are for the most part so unwisely inflicted, that they seldom if ever reclaim an habitual criminal; but on the other hand they generally ruin irrevocably those younger offenders who, under wiser regulations, might have been saved.

Sad as these statements are, it will be difficult for those who candidly study the following pages to deny that they are just. And if so, a terrible responsibility rests upon our legislators, upon our churches, and upon all members of the community who without protest permit things to remain in their present condition.

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The object of this book is not to plead for charity, but simply for justice—justice from the strong in dealing with the weak, from the rich towards the poor, from the well-conducted prosperous Pharisee towards the children of shame, bred in an atmosphere where wrong is counted right, and right is scorned; justice from society even towards its criminals, many of whom might thus be won back to paths of virtue—justice, of which the essential principle is, “Whatsoever ye would that men should do to you, do ye even so to them.”

FRANCIS PEEK.

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I.

## THE INFLUENCE OF A NATION'S LAWS ON ITS MORAL CHARACTER.

THERE are few proverbial expressions more generally accepted as embodying incontrovertible truth than the saying that "it is not possible to make men virtuous by Act of Parliament." Without pausing at present to examine whether this is indeed an ascertained fact, or a plausible fallacy, we may at least confidently assert that, whether it is true or not that good laws may fail to influence men for good, it is perfectly certain that unjust or even inadequate laws exert a most malign influence upon those who are affected by them.

Wherever bad laws prevail, or wherever the law, even though good in itself, is unjustly administered, the baneful effect is soon evidenced in the moral condition of the com-

munity; and we need not pass beyond the limits of our own country for conclusive evidence of this fact. It is displayed too fully in the condition of multitudes among our poor, whose vicious and degraded state is a disgrace as well as a danger to the commonwealth; their condition being, in a large measure, directly traceable to the influence of laws which have for generations been exercising an evil influence on the community.

It would be difficult for any thoughtful person to look closely at some aspects of the present social condition of England without feeling that, notwithstanding our material prosperity, there is much cause, not only for regret, but for anxiety. For instance, the never-ceasing contest between those who find the labour and those who provide the capital for the manufactures on which so much of the prosperity of our country depends; the increasing separation between different classes of society; and especially the painful contrast between the extreme poverty and wretchedness of the very poor and the extreme wealth and luxury of the rich and noble which everywhere presses upon our



notice—all these are sources of danger which it would be worse than folly to overlook or ignore.

It is startling, after studying those reports which show the wealth of the country, the largeness of its revenue, the magnitude of its exports and imports, to turn to those reports which periodically record the extent of its crime and pauperism. • Among other matters of interest, these latter documents give, for instance, the number of deaths from starvation that take place each year in London. And it is not a little startling to find from these that, in the richest city in the world, the verdicts of coroners' juries declared starvation to have caused no less than 101 deaths in one year? \* Had the poor creatures upon whose dead bodies these juries held their inquests been shipwrecked mariners who had perished of hunger on some desolate island, the press would have been filled with harrowing details of the sad catastrophe, and a thrill of horror would have passed through the land. But as the poor wretches were only starved to death at our own doors,

only perished through destitution in the midst of abundance, the fact is dismissed in a few brief lines, and attracts hardly any notice. No description is given of the agony of hunger through which these wretched men and women must have passed, or how their ravenous glances rested on the forbidden luxuries, visible in such plenty, as they lingered before the well-filled shops, and then, cold and famished, shrank back into their gloomy hovels to die.

Another return, hardly less sad, is the yearly report of the Local Government Board, from the latest issue of which it appears that on 1st January, 1881, there were 809,341 paupers in England, out of a population of about 25,000,000; or, in other words, that at the present time, notwithstanding the great diffusion of wealth, the immense sums yearly given away in so-called charity, and the general demand for labour, one in every thirty-one of our fellow-countrymen is a pauper—this, moreover, without including any of that vast number of destitute persons who are maintained in charitable institutions, or by private benevolence. From other reports



bearing on the condition of our fellow-countrymen we find that there are about 180,000 apprehensions each year for drunkenness, that over 15,000 persons are yearly charged with indictable crimes, and that over half a million are convicted summarily before the magistrates:\* of these latter nearly 100,000 are guilty of personal assaults—about 2,500 being aggravated assaults upon women and children.

In face of such facts few will have the hardihood to deny that there is urgent need, not only for remedial legislation, but for such an increase of voluntary effort as will reach the root of the evil influences which are so grievously injuring the community.

As regards the pauperism that now exists, as well as much of the indirect mischief arising from this cause, it must be admitted that the present generation is not primarily responsible. We suffer in the present the Nemesis of the past, and are reaping the fruit of the seed sown at that melancholy period of England's history when, although victorious

\* The Judicial Statistics for England and Wales for 1880 show a total of 641,038 persons proceeded against during the year by way of summary charges. Of this number 506,281 were convicted.

in her contests abroad, her governing classes were so sunk in selfishness that light, cleanliness, and even the dry crust of the starving peasant, were taxed to the utmost to meet the so-called necessities of the State; while pensions and sinecures abounded, and the debts of prodigal princes were readily paid by an obsequious Parliament, though the poor weaver's rush-light had to be taxed to supply the money. At that time farmers and landowners, abusing their position as Guardians of the Poor, used freely to vote away the public money in the demoralizing form of a parish relief, which supplemented the wages of their under-paid labourers, and thus succeeded, for the time, in obtaining an unjust subsidy for their own workpeople at the ratepayers' expense: but by their shortsighted policy they so thoroughly pauperized whole country districts that the independent labourer—valuable because of his independence—absolutely ceased to exist. Following the same selfish ends, and with a view to escape local taxation and dishonestly shift the rates upon their neighbours, many landed proprietors made wholesale clearances of

cottages on their estates, and drove the peasants from their homes to herd together in overcrowded villages, where, too often, they lost both health and self-respect, and became fit subjects for the workhouse and the gaol. This criminal selfishness is the source from which a large proportion of our existing pauperism has sprung; and the present generation has not only to pay the penalty of that past wrong-doing, but has also to remedy its evil effects, if the poison is not to go on working.

But though this generation is not primarily responsible, it must be remembered that wealth, intelligence, freedom, and education, are now boasted to be the characteristics of our country, whereas formerly poverty, ignorance, and practical serfdom prevailed. Therefore we shall be without excuse if these evils, bequeathed us by an unfortunate past, are not removed, or at least largely mitigated, in the prosperous present.

To return to the now existing causes of our wide-spread pauperism, it can hardly be denied that it is, to a large extent, the result of reckless marriages and subsequent improvi-

dence. Multitudes of young men and women marry imprudently and without forethought, and afterwards make little or no effort, even in periods of prosperity, to provide for hard times or old age.

Those who have made a special study of the subject assert—and their assertion is apparently supported by incontestable evidence—that the law itself tends to create much of this recklessness and improvidence, since it teaches, with the powerful influence which, as the law of the land, it exercises, that every man and woman, without regard to character, is absolutely entitled to be supplied with the necessities of life out of the public funds. As the result of such teaching a large proportion of the poorest class look upon self-denial as folly; because, however wicked, improvident, or idle a man may have been, though he may have spent liberal wages in dissipation, yet so soon as he has spent all and qualified himself by self-made destitution, he can claim as his legal right food, raiment, and shelter for himself and his family at the cost of his frugal and industrious neighbours.

It is often very difficult to trace clearly the indirect influence of a nation's laws, but such influence is undoubtedly very powerful; for, except where manifestly unjust, or strongly opposed to national feeling, the law of the land speedily becomes, among the more uneducated classes, the law of the conscience. What the law forbids is crime; what the law allows is not dishonourable: and thus only can it be accounted for that many a labouring man thinks it no dishonour to omit making provision for the future, and at the first pressure of want to throw himself upon the rates. Dr. Chalmers, foreseeing this as likely to be the effect, strongly opposed the introduction of the Poor-Law into Scotland, believing that it would deteriorate the provident character of the people, for which they had been so long noted. His foresight was only too correct, as the result has proved.

The injurious influence of the Poor-Law in producing improvidence was recently remarkably illustrated in a small country town. A benevolent gentleman of influence in the neighbourhood, being anxious

to establish a provident savings' bank, called a meeting of the working classes in order to enlist their co-operation, and urged upon them the duty of providing during health for times of sickness, and of making in youth a provision for old age. He appeared to carry the meeting with him, until a labourer asked to be informed whether, in case he should give up his beer, and by constant industry and thrift save sufficient to provide himself and his wife with the necessaries of life when no longer able to work, he would be in any better position than another man, who, having spent on himself everything he had earned, claimed these necessaries from the parish? In face of the provisions of the Poor-Law, no advantage on the side of industry and saving could be shown, and so the philanthropist's scheme fell to the ground. This incident is but too suggestive of the evil influence which the Poor-Law has exerted, and to a great extent still exerts, upon many of the working classes. They assert their right to spend at once all that they earn without concern for the future, and feel when destitute neither shame in



claiming nor gratitude in receiving the sustenance to which the law declares them entitled.

It is evident that this influence of the law should be changed, and a healthier sentiment introduced amongst the poorer classes by a legal recognition of the indisputable truth that improvidence is a crime—that it is not only dishonourable to marry without a reasonable prospect of being able to maintain a family, but is still more dishonourable to squander on self-indulgence those resources which should be husbanded against times of stress and difficulty; or, in other words, that for any person to require his neighbours to support his family, when by proper industry and self-denial he could have done so himself, is practical dishonesty. The recognition of this truth is of the first importance, not only in the interest of the poorer classes themselves, but for the sake of the whole community; for there is no hope of much social progress until right views of this subject supersede those which at present prevail among so many of the poor, leading them to anticipate without any

dread a future of pauperism. To effect this desirable change the law must be so administered that the demoralizing spectacle of the idle, the drunken, the vicious, and the improvident, securing in their old age equal comfort with that enjoyed by the most diligent and deserving, shall cease.

It has to be admitted that this reform is by no means easy of accomplishment, for to effect it the most careful discrimination must be used in the administration of relief, and as Guardians of the Poor we must have persons who possess both judgment and benevolence—that is to say, both sagacity and sympathy—and who are able and willing to give time and attention to their duties, and by diligently sifting the cases that come before them, to make character, and not mere destitution, the one qualification for obtaining out-door relief. Furthermore, this kind of relief must be strictly limited to cases of temporary necessity, or to those where destitution is clearly the result of *unavoidable* misfortune. It is only right that the relief should then be liberal, generously bestowed, and free from humiliating conditions. In all other cases the restraint and



humiliation of the workhouse are as necessary to prevent imposition as they are to enforce lessons of prudence and frugality.

Want of proper discrimination and classification in the administration of Poor-Law relief is one of the worst defects of the present system. This evil begins in the workhouse nurseries and schoolrooms, where the orphan children of the deserving poor are associated with the children of those who may well be called the refuse of society ; it is continued in the arrangements for the relief of the so-called able-bodied, under which respectable and virtuous widows are often required to pick oakum amidst women of the most degraded character ; it extends to the very death-bed, where many a poor invalid, who, to save herself from such a fate, has worked until she could work no longer, and then starved until she could starve no longer, having been forcibly removed in sickness from her wretched home, is doomed to linger out the last few hours of her life in close contact with depraved wretches whose every word is foulness or blasphemy. A lady, writing on this subject, thus describes, from personal observation the terrible sufferings

of the really deserving through the lack of discriminating treatment :—

Many of the sick have been discharged from hospitals as incurables ; unable to work, they have nowhere to go but to the workhouse ; suffering often from acute disease, they have none of the alleviations which are found in the well-appointed hospitals. Aware they will never be able to work again, they have to bear the degradation of becoming paupers ; the life now left them must be worn out in pauper's dress and under a pauper's treatment ; they must suffer from, and be subjected to, a law framed to deter the idle and the vagrant, but never intended for such as themselves. Many of the very aged people have worked till their utmost strength was exhausted to keep out of this hated place ; and when they are here at last, the degradation they suffer in finding themselves associated with depraved creatures, and often placed under their care, is, to many, the saddest part of all they suffer.\*

Among the cases visited by this lady was that of a pious, respectable woman, once the happy wife of an upright, hard-working mechanic ; but her husband, unhappily, had afterwards fallen into intemperate habits, and become an idle, degraded drunkard. For a period of eighteen years she had borne the pain and misery entailed upon her by an act

\* " Sick and in Prison," published by Bell & Daldy.

of cruelty inflicted in one of his fits of drunkenness, and, notwithstanding, had toiled early and late, keeping house for him as long as her strength remained. At last it broke down; and while dying of cancer, no place was found in sickness and old age for this noble-hearted Christian woman but a bed in the workhouse infirmary. It is difficult to describe the horror she expressed at such a fate—a fate painfully dreaded by all the respectable poor, especially because they are there placed at the mercy of pauper nurses, and compulsorily associated with vile characters, one or two of whom will suffice to render the lives of the rest of the sick almost unbearable.

Upon the principle of careful discrimination all valuable reforms of the Poor-Law *must* begin. If we desire to suppress vagrancy and imposture, to cut off the entail of pauperism, to save the honest, industrious man or woman, when obliged from sickness or accident to seek parish aid, from degradation, and at the same time duly to enforce that maxim which lies at the foundation of all well-organized society, that “if a man will

not work, neither shall he eat ;” if we intend to show mercy and kindness to the deserving in their time of sickness and decrepitude, and simultaneously to impress upon the poor the important lesson that society demands frugality and industry from its members ; then we must begin by requiring that all relief, whether parochial or voluntary, shall be bestowed with strict and careful discrimination.

Before this can be effected as regards Poor-Law relief, it will be necessary to subdivide, for the purposes of administration, many of the large, overgrown parishes and unions, which, from their size, are at present quite unworkable, and in some of which relief is granted after the most superficial examination. A report of the Local Government Board states :—

The time occupied in disposing of applications for relief by the Guardians differs in different Unions : the maximum of speed appears to be a rate of four minutes to dispose of eleven cases—nearly three cases per minute ; the minimum, three minutes per case.

It need hardly be said that it is simply impossible that anything like proper dis-

crimination can be exercised under such circumstances. As a consequence, pauperism and imposture flourish, while the rates are unduly burdened, and the deserving poor suffer miserably both in body and mind.

It may be urged that the examination of these cases rests, after all, with the relieving officers, who are primarily responsible ; but, admitting this, the necessity still remains for the Guardians to supervise their officers. Moreover, the investigation which is supposed to be made by the relieving officers must generally be inadequate, from the vast size of the districts, and the large numbers of people with which they have to deal. It would be impossible under present circumstances for them to examine properly into the claims of all applicants, and it cannot be doubted that, for the most part, their reports require careful supervision. As the very first step, therefore, in the necessary reform, the area of the relief districts must be so reduced that the Guardians may be able to fulfil that duty which the name implies—the supervision and proper care of the poor.

But while, for this purpose, the area of the relief districts should be reduced, the area of taxation, on the other hand, needs extension, since the present arrangements cause great injustice. Some parishes, being crowded with poor, are overwhelmed ~~by the~~ Poor-Rates, while neighbouring parishes escape their just share of the burden. This is not only a grievous wrong in principle, but it causes severe suffering, as is shown by the statement of Dr. Stallard,\* that in St. Giles' parish 6,000 summonses were issued in one year against 4,000 of the poorer ratepayers. Under such circumstances, there is little cause for surprise if the Guardians elected by these over-burdened ratepayers should be ungenerous in their treatment of those who are indeed little worse off than many of the ratepayers themselves.

It is also most important for the proper administration of the Poor-Law that more men and women of education and social position should take a share in the management of parochial matters. The withdrawal of the

■ In "London Pauperism."



upper classes from local government too often allows it to drift into the hands of those who are the least fit to exercise its powers ; and nothing is more earnestly to be desired than that men of property and education should recognize and resolve to fulfil the duties which their position, rightly considered, entails upon them, not the least of which is that they should become guardians of the poor in the truest sense of the words. Such work is, without doubt, often both uninviting and irksome, but if patriotism and public spirit influence the minds of the wealthier classes so little that they will not endure any self-denial for the sake of duty and on behalf of their suffering fellow-citizens, nothing but a melancholy future can be anticipated for our country. No sign more surely betokens the decay of a nation than for the rich, the educated, and the noble, only to undertake those public duties which yield them social position or pecuniary emolument.

It is no time to dream on in blind security while there is an army of more than three-quarters of a million of paupers at our

gates. It is no time to indulge in self-complacency when, notwithstanding the lavish gifts we cast into the Treasury, so little real charity towards our neighbours exists among us, that, for want of personal service, our bounty is either wasted in the expenses of administration, or else is applied to feeding the idle and the vicious, while Lazarus perishes for want of the crumbs that fall from the rich man's table.

The virtues which England urgently needs at this hour are self-denying philanthropy—the seeking without hope of reward our neighbour's welfare—that true benevolence, which proves itself in earnest by promoting the cause of humanity and justice, even in the dull business routine of the vestry and the workhouse — that patriotism which constrains citizens to devote their talents to the public good, not only in the Senate, where the social position acquired may compensate for any self-denial, but in those lower offices, where, as Vestrymen, Guardians, and members of School-boards, the labour is all for love, and the only reward sought is the answer of a good conscience, or that



recompense which may be laid up in the unseen future.

Having shown how much of the existing pauperism may be traced to the direct or indirect operation of the Poor-Law itself, other causes must be noted which are slowly but surely dragging down the most helpless among the poor into this Slough of Despond, and not only so, but hindering those who have once sunk into it from rising again.

One of the most powerful of these causes is unquestionably the inadequate accommodation provided in those wretched habitations which alone are available for the very poor. Many families in London and in the large provincial towns have only one single room, in which parents and children of all ages and both sexes work, live, and sleep. It is impossible to conceive that children brought up thus can fail to become unhealthy in body and depraved in mind and morals. In a far larger number of cases than would be believed by those who have not studied the subject the domestic conditions in which

these families live are appalling: such as would not be permitted to continue for a single year, but for the selfish indolence of the well-to-do classes; who carefully avert their attention from the consideration of so unpleasant a subject. But, however concealed, the condition of things which does exist is not less horrible than dangerous. Nor can society avoid the baneful consequences by merely refusing to look the evil in the face. Often indeed has a terrible retribution overtaken individuals of those very classes of society that had the power to help to remedy the evil, but would not use it in time, as some of their dearest and fairest children have been swept off by diseases originating in the fever-haunted dens which their own selfish indifference had permitted to exist.

Passing through our large towns, a little away from some of the leading thoroughfares, terrible spectacles of misery may be witnessed; courts and alleys, where the air is deadly foul, where overcrowding poisons the blood, and where the wretched inhabitants are so enervated that they have

neither power nor inclination to struggle upward.

The following description of the fever-dens of London, and of the fearful condition in which many of the poor are compelled to live, with all the moral and physical degradation involved in such living, which is from a report of Dr. Tripe, the medical officer of health in the Hackney district, will speak for itself. He adds the significant remark that all these cases were found out by inspection, and none from complaint being made :—

At Sheep Lane, the father, mother, a son of seventeen, a daughter of fifteen, a boy of eight years, and an infant, lived and slept in a small room containing only 925 cubic feet of air, and therefore not large enough for two adults and one child.

In Goring Street, a ~~man~~ was found living with a widow and her two children in an extremely small room, containing only 562 cubic feet of air.

In a small room having a cubical capacity of 604 feet, were discovered the father, mother, two girls of twelve and eleven years, and also two young children, so that there was only 100 cubic feet of air for each.

In Duncan Street there ~~were~~ three families, consisting of eighteen persons, living and sleeping in four small rooms, the largest ~~room~~ containing only 1,074, and the smallest 757 cubic feet of air.

At Duncan Square, in four rooms, the largest of which had ■ cubical capacity of 1,020 feet, and the smallest 763 feet, there were four families ; one of which, consisting of the mother, a son of twenty-one years, a daughter of sixteen, and two younger children, lived in this last-mentioned single room.

In another house in Duncan Square, the father, mother, and six children under twelve, inhabited one small room, containing 868 cubic feet of air.

In Sheep Lane, a mother and father slept in one room, and a son of twenty, a daughter of eighteen, another of sixteen, and a lad of fourteen, slept in another small room.

In Farm Place, Cottage Lane, there were several instances of families residing in rooms with but little more than 100 cubic feet of air for each person.

In Shadwell Row, the father, a son of twenty-one, another of nineteen, and a grown-up daughter, lived and slept in a room, the cubic contents of which were only 904 feet.

In a room having a capacity of 766 feet, situated in Taylor's Buildings, a man and his wife, two children under ten, and a woman who was not related to them, were found living and sleeping.

In a house in Warburton Road, the father, mother, ■ son of nineteen, and a daughter of sixteen, lived and slept in a room holding only 990 feet of air.

The following three cases, extracted from Dr. Stallard's "London Pauperism," may complete this hideous picture :—

First: A tenement in the parish of St. George the Martyr. In a room, seven feet by eight feet, and eight feet high, a pauper widow, her sister, and six young children, were all existing in a space not more than sufficient for a single person.

Second: A room, ten feet square, eight feet high, containing a woman aged forty-eight, a son of eighteen, two daughters of seventeen and fifteen, and three children under thirteen; the bed occupied a considerable portion of the room, and in the remaining space every office of life had to be performed, the only door opening into a public court.

Third: Within a few yards of Westminster Bridge Road, in a front room twelve feet square, existed a man, his wife, and three children. On a bed in a corner, covered by a single rug, with blackened lips and parched tongue, was found the man wandering, in the delirium of fever; by his side his daughter, in the same state, and across the bottom an infant fast asleep.

It may be readily admitted that the above are extreme cases, and some of them may have been remedied since the reports were written; but if any one should doubt the fact that vast numbers of our poor are living under conditions little less wretched than those just described, let him accompany one of the relieving officers or city missionaries through the poorer districts of the metropolis, and

he will be obliged to confess that the picture, in its general features, is only too true.

Only very recently, public attention was directed to the unsanitary condition of some houses in Charles Street, Marylebone, by an outbreak of fever, resulting in several deaths. The shocking state of these houses may be imagined from the description given of them by the Medical Officer of the district, who reported to the Vestry that he found them "damp, dirty, and dilapidated, and in such a condition as to be dangerous to the health of the inhabitants, and unfit for habitation." More details are given in the report of the Chief Surveyor, from which the following is an extract :—

As regards Nos. 1, 2, 3, and 4, there was from five to six feet of wet, black sewage soil under the basement floors. The footings of the walls, extending from three to five feet below the floor level, did not reach a solid foundation ; there ~~was~~ no damp course, the damp rising from ten to twelve feet above the floor level of basements, affecting not only the basements but the first-floor rooms. The houses were generally in so dilapidated a condition that no structural alteration could render them habitable, and he recommended that they be demolished. As regarded No. 12, front and back walls were much out of



plumb, roof also in bad condition ; and he considered it so dangerous that no structural repair would render it habitable ; he therefore recommended its demolition. At No. 13 the back walls were much bulged, much damp arose from the foundations, and the basement rooms were only 6ft. 3in. high, with the floors laid on the ground.

What is the best method of meeting this terrible evil is undoubtedly one of the gravest of the social problems of the present day. It is certainly no part of the duty of Government to provide homes for the population, any more than it is its duty to provide food. To attempt to do so would be the introduction of practical Communism ; and as it would necessarily encourage improvidence, the result would, in the long run, only be to aggravate the evil to a terrible extent. Philanthropy may provide a model lodging-house here and there to show what homes should and might be, and to serve as a standing protest against, and a condemnation of, surrounding squalor ; but it can do little more.

But while it is not the duty of any Government to provide houses for its subjects, it is the first duty of all Governments to suppress everything which is

injurious or dangerous to the community ; and so long as a single fever-den is allowed to exist—so long as any buildings are permitted to remain in such a state, that, either from faulty construction, from want of sanitary provisions, or from overcrowding, they are a source of demoralization or disease to those who dwell in them or to the neighbourhood in which they are located—so long does the Government fail in its first duty, and so long are the electors in this free country (by whose will alone the Government holds power) guilty of the consequences that flow from such criminal negligence.\*

It would be deemed a crying disgrace should any Government allow a haunt of assassins and robbers to remain unmolested in the midst of one of its cities. It is little less shameful for it to tolerate haunts of disease and vice, from which ruin and death are spread, for the mischief which might be wrought by a band of robbers is as nothing

\* The French Government has recognized its responsibility in this respect, and, while this book is passing through the press, is preparing census papers which require information to be given as to the number of rooms in each house, the object being to check overcrowding.



compared with the evil results of the present condition of the dwellings of our poor. It must not, however, be thought that this duty has been altogether ignored, since several Acts have been passed by different Governments to mitigate the evil. But unhappily their efforts have been half-hearted and hesitating. Jealously preferring the supposed rights of property to the health, morality, and welfare of the people, they have even deputed the carrying out of the imperfect remedies which have been devised to public bodies largely composed of persons pecuniarily interested in the law remaining a dead letter—a policy which seems hardly more reasonable than to leave the prosecution of thieves to the discretion of the receivers of stolen goods.

The first measure necessary to remedy the fearful evils above referred to is to forbid owners to allow overcrowding, or to let unfit habitations; and this should be enforced, not only by stringent regulations, but by the appointment of proper officers, responsible only to the central Government, whose duty it shall be to see that the law is actually carried

out. To this proposal the objection will probably be raised, that by such legislation severe suffering would be caused ; and it is unhappily true that in this, as, in all other cases of beneficial reform, some hardship might result. It would, however, be neither of long continuance, nor so severe as might be anticipated, for it has been proved that wholesome dwellings can be built as remunerative investments, even if let at the same rents as many of the squalid tenements that now abound. But while foul courts and alleys are permitted to cover every inch of ground where the poorer classes congregate, the introduction of better houses is prevented. The landlords, who are thriving on the exorbitant rents obtained from these overcrowded hovels, are little likely either to improve them themselves or to dispose of them to others who have both the will and the power to do so ; still less are they likely to allow vestries, in which their self-interest makes them powerful, to enforce the present law. As the leasehold character of much of the property is one great cause of this evil, especially towards the end of long leases, the ground landlord, as well as

the actual owner of houses, should be made to take a fair share of responsibility.

There is sufficient evidence that even the poorest of the working classes can pay and do pay rent sufficient to obtain proper habitations, and were it not so, wages would adjust themselves to absolute need. At present, however, the commercial success that has been achieved by several of the Artisans' Dwellings Companies, which, while providing good homes, yet pay fair dividends, shows that the better class of artisans may be reckoned upon as profitable tenants, and that the poorest pay rents which would be fair for wholesome tenements.\*

Another common source of pauperism, the destructive passion for drink, which so often takes irresistible possession of its victims, if engendered and fostered among the poor by various other causes, is without doubt very

\* The immense benefit of wholesome houses from a sanitary point of view is evident from the fact that in 1880 the death-rate in the dwellings erected by the Peabody Trustees was only 19·71 per 1,000, or about 2·49 per 1,000 below the average death-rate for the whole of London; and this notwithstanding that the tenants generally belong to the poorer classes, the average earnings of each family being under 24s. per week.

largely attributable to the overcrowding and bad accommodation in their homes, which must naturally tend both to create and nourish a craving for stimulants.

In many dismal alleys and fetid courts of our large towns, the impure and stagnant air depresses and enervates those who return home already exhausted by work, and there is little cause for wonder if the wretched creatures who are condemned to inhabit such places rush to stimulants for relief, and seek to drown their misery in drink. As a consequence there are to be seen the crowds of drunken men and drunken women; the care-worn, woe-stricken wives; the half-starved, neglected children—precociously clever perhaps, but also precociously vicious—who carry in their veins the taint and heritage of their parents' vice.

Let it be acknowledged, then, that the law cannot make all people sober, yet it must be admitted that it can do much to encourage or to discourage drunkenness, and to increase or to diminish the facilities for obtaining drink which lead to drunkenness. Even the slight reduction of the hours during which

a public-house may legally be kept open which has recently been made has already done some little good; but the tempting dram-shops are still permitted to retain their prey, and to throw their fascinating glitter into the streets, till eleven o'clock at night in country towns and till twelve in London, long after every other shop is closed, and when most people are at rest. While this is permitted, there can be no great mitigation of drunkenness. In fact, so long as this state of things continues, so long must the community be content to bear the just penalty of its folly and to support many thousands of pauper families, whose parents have been too weak to escape the snare of the Government-licensed gin-palace and dram-shop.

One further cause not only of pauperism, but of grievous wrong and suffering before that is reached, must not be overlooked—namely, the want of a proper law by which the duties of men in regard to their wives and families may be enforced. The practical teaching of the law as it now stands is that men are only bound to provide just so much

support for their families ■ will prevent them from becoming a present burden on the parish; and this provided, although a husband may be earning large wages, he is legally justified in keeping his wife and family in a state of pinching poverty, misery and rags, and in compelling them to herd together in one of the wretched rooms before described, while he wastes in dissipation and drunkenness money which might keep them in comfort.

There is probably scarcely a greater or more cruel injustice legalized by English law than this one, and it tells especially against women, for while the children owe their existence to the father and the mother equally, the very care they demand from her deprives the mother of the power of doing much otherwise for their support. Yet the law practically permits a father to evade the duty of providing proper sustenance for his children, who are thus injured by being deprived of proper nourishment, and, owing to this, afterwards become a burden and injury to society. Moreover, the influence of this teaching has fearfully deteriorated the moral tone of the community ■ regards the duty of



men towards their wives and children, for let it be noted as an aggravation of the wrong, that even the barest necessities can only be extracted from a reluctant husband through the family first entering the workhouse. Wife and children may starve, even though the husband be a wealthy man, unless the wife makes herself a pauper, and thus brings the Poor-Law to bear upon him.

In order to present this cruel wrong in a sufficiently forcible manner, it will be well to compare the positions occupied on the one hand by the virtuous wife, and on the other by the immoral woman, who, despising marriage, brings into the world a family of illegitimate children. The wife may be in reality a slave to a hard and unfeeling husband, depending as she does upon his whim for everything except the barest necessities of life, and exposed perpetually to suffer in herself and through her children from every freak of his bad temper or his drunkenness. But the law places the concubine in a very different position by giving the woman who is living a life of shame a legal right to a contribution from the father of from 2s. 6d. up to 5s. per week for every



illegitimate child. Thus, supposing her to have a family of four or five illegitimate children, she may live uncontrolled, in comparative luxury, while her virtuous sisters are toiling early and late to meet the wants of their legitimate families, being only able to claim from their dissolute husbands—and that through the parish—the barest sustenance.

A striking and, were it not so sad, an almost ludicrous example of the immoral tendency of the law of England as meted out to the legally virtuous and legally immoral woman, is afforded by the practical working of the statute which makes the marriage of a man with his deceased wife's sister unlawful. The woman living in illegal union with her late sister's husband can obtain through the magistrate an allowance of 5s. a week for each child she bears him, whilst her sister's legitimate children can claim nothing but the barest sustenance. If the marriage were made legal this advantage would cease, and the illegitimate children would be in the bad position of those born in wedlock!

It is folly to deny the influence and teach-

ing power of the law of the land. If we cannot make men good and virtuous by Act of Parliament, we can make them drunkards and paupers; we can, and, alas! notwithstanding our boasted enlightenment, we do teach them that vice is more profitable than virtue, and that the law cares for the protection of the vicious more than for the protection of the virtuous.

It is impossible for any true-hearted Englishman to contemplate without some feeling of pride the position which his country has attained. He cannot consider the extent of its commerce, the wealth gathered by its manufacturers and merchants from every land, the mighty influence it exercises in every quarter of the globe, the pre-eminence it holds in science, and, not least, the purity of its judges, without feeling that it is a proud thing to belong to such a nation. But over this fair picture there hangs a heavy shadow. It is true that England is pre-eminently the land of wealth and freedom; but, alas! it is also the land of withering poverty and debasing pauperism.

It is pre-eminently the land of philanthropy and religion ; it is also the land of pride and selfishness. We disperse our missionaries far and wide to reclaim the heathen ; but under the shadows of our churches, within the sound of cathedral chimes, we allow large numbers of our fellow-countrymen to grow up in a state compared with which a savage existence is—blessed. The Indian of the West rejoices in his freedom and in his comfortable wigwam, in the fresh air he breathes and the boundless prairies that he believes the Good Spirit has given him for his use ; while he looks forward with hope to the joys of the happy hunting fields hereafter. The Indian of the East bears with calm complacency the ills of life ; reposing peacefully in the thought that, this life ended, he will be absorbed into the essence of his Deity. We send missionaries to these, and to do so is our duty, but a more pressing duty lies close around us. On every side here at home there are heathen far more depraved than the American or Bengal Indians. Those have some little light, and, for the most

after. But if we regard carefully the condition of the hundreds of thousands who occupy the courts, lanes, and alleys of our large towns, we find it far less happy and much more degraded than theirs. Drunken men and women, wretched wives and children, brutalizing filth, pinching poverty and want, thousands upon thousands living the life of beasts on earth, without even the dim hope which the savage possesses of a happier future, are what we see in this our native land.

There is, perhaps, no sight more attractive and beautiful than that of the throng of brilliant equipages and their occupants with which the parks and principal thoroughfares of the metropolis are filled. There can, on the other hand, be no spectacle of greater misery, no scene more repulsive and distressing, than that which is presented to the observer in passing from these noble spaces and streets, displaying such wealth, beauty, and splendour, into the mean squalid alleys and the filth-choked courts that lie around them. How startling the contrast between the magnificence *there*, and the sordid destitution

women, and *these* hideous human beings of the same sex, who sit shivering in scanty rags, and grimed with dirt ! Is it asked, Who is responsible for such a contrast ? Surely every indolent and selfish man or woman, who, living in ease and plenty, leaves things to take their chance, under the excuse of business, or want of power, but really with the unexpressed plea of Cain, " Am I my brother's keeper ? "

Retribution is the law of the universe. If we allow our brothers and sisters to drag out their existence in degradation, pauperism, and crime, a time will come, even in this world, when selfishness, pride, and indolence will bring their bitter reward. If the Christian teaching of brotherhood be ignored, the words " Liberty, Fraternity, Equality," may once more become a battle-cry of revenge from those to whom the acknowledgment of their fraternity has been denied. Every English man, every English woman, can do something ; and they who decline to work in the cause of the poor fail not less in their duty to their country than to their God.

## II.

## THE ORPHAN'S WRONG.

IT is hardly possible to conceive a more woeful picture than that of an orphan family gathered round a grave to take the last long look at the coffin which contains all that remains of the last of their parents. No man of ordinary feeling could hear unmoved the sobs of the elder children, but too conscious of their irreparable loss ; or see the half-anxious, half-terrified expression on the faces of the little ones, as yet too young to realize fully the fact that neither father nor mother will ever come back to them again—that never more will they see the smile of a father's face, or know a mother's care. Is it possible to find any further ingredient of woe to fill to overflowing such a cup of misery? Yes ; these bereaved and helpless orphans may be

also destitute ; and as they turn from the grave where, with their parents, love, joy, and home itself have been buried, they may find no relatives or kind friends to meet them, ready with tender sympathy to wipe away their tears, and speak words of consolation and hope ; but may be confronted instead only by a parish officer charged with the duty of conveying them to the union workhouse, where henceforth they will breathe the atmosphere of pauperism, and be forced to endure companionship which must needs contaminate them both in body and mind.

Would that this were only an imaginary picture of woe and misery. But, alas ! it is not ; for it is unhappily realized by thousands of English orphan children, many of whom are now dragging out a dreary existence within workhouse walls. That this should be so is undoubtedly strange, for it cannot be denied that, as a rule, English men and women do feel pity for orphans. Probably no prayer in the beautiful Litany of the Church of England meets with a warmer response than that in which the worshippers entreat their heavenly Father to “defend and provide for



the fatherless children, and all that are desolate and oppressed;" but "evil is wrought by want of thought as well as want of heart," and perhaps still more by that selfish indolence which leads so many, like the man described in the fable, to cry to heaven for help when they should be putting their own shoulders to the wheel.

It is also surprising that the rulers of a country so overburdened by pauperism as England, after it has been conclusively shown that the pauper spirit has a strong tendency to become hereditary, should make so little systematic effort to cut off the entail of this disease from those who already inherit it, and should permit so sure a method of increasing the pauper class as that of sanctioning the rearing of destitute children, irrespective of the character of their parents, in a pauper atmosphere, with pauper companions and surroundings, and with no home but the poor-house; thus providing for them so thorough an education and apprenticeship in the vice of pauperism that a terrible success can hardly fail to ensue. Moreover, it is not only the disastrous result as regards

the future of the children and the detriment to the community caused by such treatment which have to be considered. It is in itself most cruel. Very sad must be the little orphans' life in the dull, dreary work-house nursery, where there are no pictures to enliven the grim bareness of the white-washed walls, no toys to amuse, no kind-hearted women to join in all their childish play, no look of sympathetic affection to reciprocate the infant glances which plead for love!

A lady who had adopted one of these children, of some eighteen months old, said that what struck her as the most melancholy feature in connection with the poor little orphan was that it actually *did not know how to kiss!*

From a sad and depressing life in a work-house nursery, the orphan is next removed to the workhouse school. Here, again, it is compelled to mingle with the depraved children of depraved parents, and, worst of all, to share when ill the sick wards of the adult paupers, of whom a large proportion are the

of characters. As the ailments of the children are often comparatively slight, they have nothing to do during the weary days but to listen to the conversation of the adults, much of which is of such a character as no child ought ever to be permitted to hear. It is asserted that this association exerts a sort of fascination upon the children, with a result which it is not difficult to imagine. One experienced workhouse visitor says in her report that the teachers often complain that they cannot prevent the children from endeavouring to catch cutaneous diseases from each other, in order to be sent to the sick wards, the attraction of which in this way is so great.

Not only is the atmosphere of these workhouse schools pauperising, but the schools are actively educative in a bad way, for very many of the orphans' schoolfellows are the children of thieves, tramps, and women of bad character, who enter the workhouse for brief periods, coming from haunts of vice and crime to which, with their children, they quickly return. Meanwhile, those who have been associated with them can hardly fail to

have been infected not only with ophthalmia and other loathsome bodily diseases, but also with loathsome ideas and evil thoughts.\*

Our desolate, destitute orphans, having been thus legally trained to live without affection, to accept pauperism as their natural condition, and the poor-house as their home, having been furnished with precociously wicked companions, well instructed in vice, are, at the most critical time of their life, when about thirteen or fourteen years of age—the time when the law withdraws all protection to the virtue of female children—sent out unprotected to fight their way in the world. The result of such un~~w~~isdom, so far at least as regards the girls, is but too often as wretched as might be expected. Untrained in domestic work, they quickly exhaust the patience of their mistresses; unrestrained by the feeling that they are cared for by any one, it is little wonder if they soon become perfectly reckless; too well acquainted with the story of vice from the companionship of their early

■ The large district schools, which are in all other respects a great improvement on the workhouse schools, are open to a similar serious objection.

years, it is not surprising if they themselves speedily become vicious.

The following reports, extracted from the writings of persons who have practically studied the subject, which, for the most part, there has been no attempt to refute, show the fearful harvest which is matured by such ■ mischievous cultivation :—

One workhouse matron stated that, “of 300 orphan children she had known, she did not believe one was doing well.”—*Journal of the Workhouse Visiting Society.*

“In a workhouse with which we are acquainted, the poor abandoned women, stripped to the waist, would dance madly, shouting the obscenest songs. An outburst of the noisiest insubordination was accounted for by the master thus : ‘You see, sir, they are the girls who have been brought up in the workhouse.’” — *Children of the State*, pp. 20 and 22.

“Out of 165 girls apprenticed from one workhouse, 18 only were reported as doing well, and within three years 73 had returned to the workhouse.”—*Ibid.*, p. 23.

In another case, "out of 160 provided with clothes to enable them to get employment, within two months and a half 58 found their way back to the workhouse."—*Social Science Association Report.*

"Out of 180 who left Cork workhouse, 60 returned within a brief period."—*Journal of the Workhouse Visiting Society.*

"The history of 80 prostitutes having been investigated, they were found to be for the most part workhouse girls."—*The Philosophy of the Poor-Laws.*

"The officer of the Kirkdale School says, 'The number of girls who fell who went from that institution was painful to think of, it was so large.'"—*Poor-Relief Committee.*

"Some institutions for the rescue of fallen women object to receive those brought up in a workhouse, 'their cases are so hopeless.'"—*Rescue Society Report.*

Thus the workhouse, which is in its conception half penal, half charitable, is in its result wholly demoralizing. Life within its walls is detrimental to all; but no place, except the prison, can be worse for the infant



and the half-grown child. There are no men or women of ordinary humanity who would not shrink with horror from the thought of their own children being brought up in a workhouse. What answer then will society be able to give when the human wrecks produced by this horrible system plead against the selfish indifference which has left so many little children to be ruined by it? In ancient days children were passed through the fire to Moloch. We, hardly less cruel, having first prayed the great Father "to defend and provide for the fatherless children," consign them to miserable workhouses, over whose gates might well be written: "Orphans who enter here, leave hope behind."

Having thus described the general condition of children brought up in workhouses, the dreary hopelessness of their childhood, the corruption of character which can hardly fail to be developed by pauperizing surroundings and vicious associates, and lastly, the painful and terrible results of this training as exemplified in the subsequent history of so many of those whose career can be traced; it must in justice be noticed that in many cases



attempts are made to ameliorate the lot of these children by exceptional kindness on the part of the matrons, and by the visits of tender-hearted ladies, who seek them out in their gloomy abodes.

But so utterly bad and unsuitable is the workhouse system, that it is open to question whether even this amelioration is not in its results a cruelty, as may be illustrated by the following narrative.\* Some ten or twelve years ago (says the writer) there was a very good little orphan girl in our workhouse. I knew the child personally. She was about thirteen years of age, and had been in the workhouse some few years when she was sent out for a month upon trial as servant in a respectable house in a small town. At the end of three weeks she ran away from her place and returned to the workhouse. The matron, who was deservedly beloved for her kindness of heart, went to her and said kindly that she had not expected such conduct from her, as she had always been such a good, obedient child.

\* These particulars were verified by a correspondence with the lady herself.

"I could not stay, ma'am; oh, I could not stay!" sobbed the little girl. "They scorned me so." "Who scorned you so?" said the matron. "Oh, the children of the town," was the answer of the poor child. From that time she began to droop, and a few weeks afterwards she died, "of a broken heart," as the matron said, "because *they scorned her so.*"

In ten thousand bright English homes there were mothers rejoicing over their happy children, rejoicing, it may be, with trembling if the thought passed through their minds how sad it would be for these if death should deprive them in infancy of a mother's care and affection; from ten thousand devout churchgoers the prayer was each Sunday ascending to God that He would have mercy on all fatherless children; yet a destitute, desolate orphan amidst all this was breaking her young heart, "scorned to death."

It may perhaps be asked on whom rested the responsibility for this cruel death? The village children were comparatively innocent, for they only expressed without discrimination the just sentiments of their parents towards paupers as a class. Nor can the

crime be laid upon the parents of these children. They had but endeavoured to imbue the minds of their children with the righteous indignation of the honest industrious workman against those who *willingly* eat the bread of idleness and dependence, and with his estimate of the base characters of the majority of those who make the workhouse their home. Rather it is the whole English nation that is responsible generally, and every individual personally who permits without protest the innocent orphans of the poor to be degraded by a pauper's life in a workhouse home.

If no happier fate than is above described can be secured for them, it is a question if it would not be better to revoke their legal claim to support, and leave Christian charity to provide for them; yea, or that failing, one is almost tempted to say, mercifully leave them to a speedy death, rather than doom them, as now, to the life of the union workhouse, the degradation of its education, the ruin of its demoralizing influence. But there are other alternatives ready to our hand.

In the first place, there are the district

schools, mostly well managed, and though open to several objections, an immense improvement on the workhouse. The objections to them are:—Firstly, That the aggregation of such large masses of children, mostly of one class, and that the pauper class, is acknowledged to be most injurious to the development of their moral and mental character, it having a tendency to prevent the growth of any desire to rise to a higher condition. Secondly, The association together of the permanent and the casual children, the effects of which have been already described as regards workhouse schools. Thirdly, The fact that the routine discipline and strict organization absolutely necessary when large numbers of children are gathered together, are prejudicial to the formation and development of individual character. The children's whole time is spent under a yoke of rigid rule and routine, without any escape into the freedom of home during holidays, and this tends to make them dull and spiritless, and unfit for the battle of life.

Nor is the list of objections quite ended here. The cost of these schools is excessive,

and involves wrong to many a struggling ratepayer, who pays twice as much for the education of the children in them as he can afford to pay for his own. The following is the cost of maintenance in the Metropolitan district schools: \*—

	Cost per child.		
Kensington and Chelsea . . . . .	£30	17	■
Westminster . . . . .	30	16	6
Metropolitan Training Ship <i>Exmouth</i> .	30	13	1
South Metropolitan Herne Bay School .	29	13	7
St. Marylebone . . . . .	25	14	2
St. George's in the East . . . . .	24	11	■
North Surrey District . . . . .	23	13	7
Forest Gate . . . . .	23	9	10
Central London District School . . . .	22	9	9
West London District School . . . . .	21	6	2
Islington . . . . .	19	8	0
St. Pancras . . . . .	19	6	4
Holborn . . . . .	18	15	2
Strand . . . . .	18	14	5
Lambeth . . . . .	18	13	10
South Metropolitan District Sch. ( <i>Sutton</i> )	18	8	■
Bethnal Green . . . . .	18	1	11
Brentwood District School . . . . .	18	1	9
Mile End Old Town . . . . .	15	9	6
Average . . . . .	£22	10	8 $\frac{3}{4}$

The above figures are after *deducting* ■ Loans, Interest, and Extra Receipts."

Separate smaller schools for orphans, in connection with which a thorough industrial training could be carried out, would be a great improvement. A few years ago the Local Government Board ordered an inquiry respecting some such schools, conducted upon the cottage principle, and supported by voluntary effort. The Inspectors to whom the subject was referred reported in most favourable terms as to the advantages of the plan, under which each group of children dwells separately under the supervision of a house-father or house-mother. The Local Government Board has also sanctioned the erection of schools upon this system by several Boards of Guardians in different parts of the country.

An even better method of dealing with these helpless orphans is suggested by the story of a French labourer, who was morbidly anxious about the fate of his little family if perchance an early death should take him away from them. One day he found in a bush two birds' nests built close to each other, and while he stood watching them a hawk swooped down and destroyed the parent birds belonging to one of the nests. The

sight greatly distressed him, for with a superstitious feeling he imagined that the hapless lot of the little birds, left to starve, betokened the fate of his own children in the event of his fears of early death being fulfilled. For some time he avoided the place, but at last he was drawn by an irresistible attraction to look into the nest, expecting to find the fledglings dead from hunger ; but, to his great surprise, he discovered them alive and healthy. As he stood by the bush in astonishment he saw the parent birds of the other brood returning with their beaks full of food, which they distributed equally between their own young and the orphan birds. The sight filled him with comfort, for he took it as an omen that if the worst should happen, God would provide in some similar way for his bereaved children.

Does not the tale indicate the natural method of providing for our destitute orphans ? Their own parents being gone, let foster-parents be found for them among people of their own class. This system is now no novelty. It has been carried out for many years in Scotland, and has more recently



been extended to other parts of the country. There is the amplest testimony to its value and success ; many officials who have watched its working from the beginning—one of whom, at least, was at first opposed to it—reporting strongly in its favour. For instance, out of 923 children thus boarded-out by the Glasgow Union, only forty were lost sight of, and less than five per cent. turned out badly. Mr. Greig, Clerk to the Edinburgh Parochial Board, says “it is a rare thing for a child who has been brought up in this way to become chargeable to the parish in after life.” The Guardians of the Poor in Dublin, after twenty years’ experience, petitioned in favour of an extension of the time during which the children are allowed to remain with their foster-parents. The Windermere Committee state that the anxiety with which they undertook to supervise the children was at first considerable, but it quickly diminished as they found how soon the little ones became loved, and grew to be regarded as members of the families in which they were placed.\*

The Boarding-out system is indeed, notwithstanding much prejudice and obstruction, steadily making progress, and almost every child thus provided for finds a real home. In numerous cases the foster-parents have, as above noted, altogether adopted their charges ; and when children are placed out young, they almost always induce such affection that after they have left for service, there is a real home to which they can return in case of need. As regards expense, no system is so economical ; the comparative cost being from 2s. 6d. to 4s. 6d. per week, as against 7s. 9d. in work-houses, taking young and old together,\* and 6s. to 12s. in district schools.

The objections raised to the Boarding-out system seem to arise primarily from ignorance of its practical working. It has been objected, for instance, that proper homes cannot be found for the children ; but the fact is that there are more homes available than, owing to the resistance offered by Boards of Guardians to the adoption of the system, are required.

It has, again, been objected that the chil-

dren would be neglected or ill-treated under this plan, as they were under the old farming-out system. But the supervision required by the Local Government Board precludes this danger, while the appointment of ladies' committees, who undertake to watch over the orphans, brings rich and poor together in the happiest intercourse.

The Government regulations regarding the Boarding-out of orphan and deserted children require that, when the children are placed beyond the boundaries of their own parish, a committee of two or more ladies approved by the Local Government Board must undertake their superintendence. The Poor-Law officer of the Union in which they are placed must see that the homes are suitable, and that the children are well cared for, and the children must attend regularly the elementary school of the parish. Under these conditions it is hardly possible that they should not be well looked after, and, as a fact, complaints are very rare, while, for the most part, the children obtain kind foster-parents in place of their own, besides having

take their superintendence, and whose assistance, when they are going out into the world, is invaluable.

With such a system available—one which is kind to the poor children in their desolate condition, successful in training them for a future life of usefulness, economical in its present working, and beneficial in its general effect by cutting off the entail of pauperism—it is surely the height of folly to continue the present system of workhouse rearing. It may well be asked what right the nation has thus to deal so cruelly with the orphan children of the poor. Have they no moral claim to a home? or is it the heart alone that needs no cultivating? Even on the very lowest ground of self-interest, the system stands condemned. The country needs honest, able-bodied, intelligent men, as it also does useful and faithful female domestic servants; yet, during the past twenty years, not less than 100,000 orphans or deserted children, who might, if properly trained, have largely supplied this want, have been brought up in an apprenticeship of pauperism, and now either fill our workhouses and

prisons, or are the disgrace of the streets of our large towns. It is a great truth, that "with what measure we mete it shall be measured to us again." We have planted the orphans of the poor in a corrupt soil, and we reap a just retribution in a harvest of vice and crime.

There is no word sweeter to an English ear than "home." It is a word so full of pleasant and happy memories that on its being heard the tear has often rolled down the rugged cheek of England's exiles toiling in long banishment at the extremities of the earth. It is the word which (where the thing itself has been enjoyed) sooner than any other, except "mother," softens the heart of the outcast woman. Home is the great barrier which by its sacred influence restrains the flood of selfishness and vice which would otherwise overwhelm society. Is it not, then, as cruel as impolitic to deprive our destitute orphans of the comfort, happiness, and moral benefits which this most English of words implies?

May we not well question the kindness,

looking at the gaol-like workhouse, and knowing that poor orphans are dragging out ■ dreary childhood within its walls, pass by on the other side without ■■ effort to rescue them ?

## III.

THE LICENSING LAWS AND  
INTEMPERANCE.

OF all the evils with which the English nation has to contend, there is none great or so malignant, both in its direct and indirect effects, as the vice of intemperance. Fearful illustrations of its effects are daily recorded, and it is hardly possible to enter many of the streets of our large towns after dark without becoming too conscious of its presence. It is indeed "a pestilence that walketh in darkness, and a destruction that wasteth at noonday." All who labour in any way among the poorer classes are at times ready to despair on account of the intensity with which it rages, and the havoc it works.

It is interesting and important to note that the evils which are connected with the sale of intoxicating drink suggested at a very early



period of English history the passing of laws intended to regulate it. The earliest licensing law in this country was made in the reign of Edgar, who decreed that there should not be more than one ale-house in a parish. The first Parliamentary enactment was passed in 1504, in the reign of Henry VII., and empowered Justices of the Peace to close any "house for the common selling of ale in towns," and to take sureties of ale-house keepers for their good behaviour. Up to the beginning of the eighteenth century the popular beverage amongst the poor was beer or ale; probably it was of low alcoholic strength, for we gather from the debates in Parliament that a man had to take a large quantity of any of the strong drinks then known, and to go on doing so for a long time, before he deprived himself of his reason.

In 1430, arrack was introduced into England; but up to 1688 the quantity of British spirits distilled was only 527,500 gallons per annum, to a population of 5,700,000; while the beer brewed seems to have reached the enormous quantity of over 6,000,000 barrels. In 1689, an Act was passed prohibiting the

importation of spirits from all foreign countries, and opening the trade of distilling to all English subjects on payment of a trifling duty. "These measures," says Mr. Lecky, in his "History of England in the Eighteenth Century," "laid the foundation for that passion for gin-drinking which about the year 1724 infected the mass of the population with the violence of an epidemic." The extent of this mania for spirits, under the name of gin, appears to have been at that time appalling. The liquor was sold at the corners of every street, and it is said that retailers of gin were accustomed to hang out painted boards announcing that their customers could be made "drunk for a penny, and dead drunk for twopence," and could have "straw for nothing"!

On February 20, 1736, the Justices of the Peace of Middlesex petitioned the House of Commons, alleging that the drinking of spirits had absolutely destroyed thousands, and had rendered great numbers incapable of labour, and affirming that the greater part of the poverty, and also of the murders and the robberies in London might be traced to this single cause. The preamble of the famous

Gin Act, which followed, set forth that the constant use of spirituous liquors not only "rendered men and women unfit for useful labour and business, and incited them to perpetrate all manner of vice," but that the evil consequences "would extend to future ages and tend to the ruin of the kingdom."

Unhappily, the taste for strong drink had by this time become so general and intense that the attempt to enforce the Gin Act caused riots, and an illicit sale of spirits went on throughout the country. In 1737, a further Bill was passed, designed to mitigate the evil, but it had little effect in checking unlicensed gin-shops, of which there were estimated to be in 1749 more than 17,000 within the Bills of Mortality. Bishop Benson, writing at this time, says: "There is no safety of living in town or in country, robbery and murder are so frequent. Our people are now become what they never were before—cruel and inhuman. These accursed spirituous liquors have changed their very nature." In 1751 some new and stringent measures were passed, which by 1781 reduced the consump-

Down to 1872, licenses were granted, either on the principle of magisterial discretion or of free trade, the wishes of the inhabitants being in no case taken into account: it is owing to this that the number of public-houses is at the present time in so many cases altogether disproportionate to the needs of the people.

In 1831, Lord Brougham passed his Beer-house Act, probably anticipating that the beer sold in houses licensed under that law would be comparatively unintoxicating, and that its use would create a new taste, and so counteract the evils prevalent in consequence of the drinking of spirits. Unhappily, no precautions were taken to secure the drink being of this kind, and consequently the result has been most disastrous. In the first place, a large number of the beer-houses afterwards obtained licenses for the sale of spirits; and in the second place, the beer sold has, for the most part, been of great alcoholic strength. The regulations of the Excise itself tend to aggravate this mischief, for it is estimated that the amount of duty charged

alcohol contained in beer, as against 10s. per gallon on that contained in spirits. Professor Leone Levi estimates that 75 per cent. of the alcohol consumed in the United Kingdom is consumed in the form of beer.

Demonstration from figures of the awful prevalence of intemperance would be superfluous. We are all aware of it. There is no large employer of labour who does not recognize how much his own interests, together with those of the country at large, are injuriously affected by it, and every clergyman or visitor among the poor bewails the wide-spread degradation and misery it causes; while even a casual inspection of the poorer parts of our large towns, revealing the numberless gin-palaces and drinking-bars they contain, and the wretched scenes that are to be daily witnessed in them, is enough to shock the most thoughtless, and to lead them to condemn the laws under which so many licensed drinking-places exist.

classes none are so intemperate in expression as the total abstainers, but, allowing that there is truth in the charge, the accused have much to plead in extenuation. These men and women live habitually in the midst of scenes, occasional glimpses of which are sufficient to appal those who are unfamiliar with them. The hideous dissonance of drunken shouts and furious gin-fomented broils is all around them ; the shrieks of ill-used wives and beaten children, victims of drunken frenzy or drunken moroseness, are always in their ears. A drunkard's home—not in coloured picture, but in living reality—is constantly before them, a shuddering spectacle of misery and desolation ; while his children, hunger-pinched and woe-stricken, sit side by side with their own in the school. No wonder if they “ lift up their voice with strength ;” no wonder if, having seen and felt the blessed change effected where the “ Devil's Chain” of intemperance has been broken—the change from cruelty to kindness in the parent, from misery to comfort in the home—they should feel strongly, and often speak somewhat harshly and bitterly of those

supporting a system which produces such unspeakable mischief.

According to the latest returns,\* nearly 180,000 persons were proceeded against in one year for drunkenness in England and Wales. Of these, over 10,000 were classed as habitual drunkards. The number proceeded against forms, however, but a small proportion of the total number guilty of intemperance. It is only necessary to stand outside the public-houses and gin-palaces at the time of closing, to ascertain that though a large number of those then turned into the streets are more or less the worse for drink, and many so affected as to be unable even to walk alone, yet the police officers only act in the last extremity. A man must be not merely drunk, but "drunk and incapable," or "drunk and disorderly," to bring him within the official list of apprehensions; and therefore, to the number actually apprehended, must be added all those who escape apprehension through being somewhat less than "incapable" or "disorderly," and who only vent the effects of drink upon their families when they reach



home. Taking these facts into consideration, and after making liberal allowance for the repeated apprehensions of the same offender, the enormous number of drunken men and women shown to exist among us may well appal the most unthinking ! To realize, moreover, the full extent of the evil, it must be remembered that for the most part each of these drunkards represents a wretched home, a suffering husband or wife, and miserable children, doomed to bear through life, physically and morally, the curse of having been begotten of a drunken parent.

It is, indeed, but a figure of speech to attach the name of "home" to the wretched abode of the drunkard, the very thought of which may well cause a shudder of pain to those who know what such a place is. It is almost impossible to exaggerate the picture of wretchedness suggested by the phrase, "a drunkard's home," with its accompaniments of a suffering wife, whose bosom companion is a half-mad, half-idiotic, wholly repulsive being, and of children brought up in poverty and hunger, and amid scenes of degradation and cruelty from which there is no escape.

The following words of Canon Farrar well describe the dreadful sufferings of children in consequence of drunkenness :—

Consider with me for a moment to what they are exposed.

1. They are exposed to *shameful neglect*. Go to the wynds of Glasgow, go to the filthy back streets of Liverpool, go to the foul feverish slums of all our great cities, and see children—children full of eternity, children for whom Christ died—in the low infamous rooms of the low infamous streets, growing up in the haunts of crime and misery, amid the reek of gin and the sounds of blasphemy, dirty, dissolute, diseased, with always at least one prosperous place hard by—the public-house—flourishing like some bloated fungus in a region of decay and death.

2. And not to neglect only : they are exposed to daily and horrible *accidents*. But, alas, how little men realize the daily and weekly facts ! A drunken driver is driving his van, in a drunkard's heavy, brutal way, through the streets of Southwark ; a woman is passing with a babe in her arms and leading a little girl by the hand. He runs over them, severely injuring the woman, killing the little babe of eleven months, and breaking the leg of the little girl of four. He is only drunk, so no one thinks any more about it !

3. Nor is it to accidents only—they are exposed to *cruelty*. A week ago ■ drunken woman in London is seen holding a child of five months by the legs, head downwards ; when remonstrated with she flings the child

4. Nor is it only to hideous cruelty—they are exposed to *death*. A fortnight ago a child at Rock Ferry is found burnt and scalded to death because the drunken woman in charge of it falls against a fire-place. Dozens of children are yearly killed by being overlaid by drunken parents. More children are every year sacrificed to drink in England than were ever burnt to Moloch in the worst ages of Judean apostasy in the Valley of the Children of Hinnom.

5. Again, they are exposed to dreadful *congenital sickness*. In her last book the graceful authoress of "John Halifax" describes her visit to the East London Hospital for Children. She went first into the accident ward. "You can imagine," said the nurse to her, "how necessary this ward is, when from drink and ignorance the children are exposed to accidents from morning to night. Numbers are brought in, and last Saturday night there was a terrible case; such a dear little girl, burnt all over face and arms and neck." "Did she live?" "Oh no! better not," said the nurse; "she was at rest by Sunday night." They went into another ward sadder than that for cases of accidents, where were children suffering from every form of constitutional corruption—rickets, hip complaint, bone disorder, cancer. "These," said the nurse, "are our worst and most painful cases. Often surgery is the only hope of cure, and the children are so weakly that we dare not risk an operation." In going through this ward she says, "One almost felt that death was better than life."

6. But it is not to congenital sickness only. Besides

are exposed to *murder*. In this very year—the year of our Lord 1881—in Christian England children not a few have been murdered by drunkards. Not a few even in the opening days. In Glasgow, a wretched woman, a widow of forty, excited by excessive drinking, goes to her home, and not knowing what she is doing flings into the street her little boy of two and her little girl of five. They are picked up alive; the girl dies in half an hour, the boy nine hours afterwards.

7. Can you believe that children are even exposed to *unconscious suicide*? Yet they are! In the joy of men at Christmas and the New Year—this last Christmas, this very year—two children at least have thus met their end. A little child of three gets out of bed at Glasgow, drinks some whisky left on the table, and in the morning is found dead. At Huddersfield a little boy of four dies from the effects of whisky which has been bought by his mother as she was expecting friends!

8. Is there anything worse to which they are exposed? Yes, they are exposed to *sin*. Neglect, accident, sickness, and cruelty, these may maim and torture the body; murder and suicide may end the life; but sin ruins the soul. And how often are the children of the drunkard trained in sin! How unspeakably touching was a case which occurred in Lambeth the other day. A married woman of twenty-six and her child were taken up for stealing drinking-glasses from a tavern, and in court the little child ran towards her father, who, bursting into tears, said that he worked hard, but all in vain; his wife drank all his earnings, and brought him into debt right and

9. And, lastly, even if they be not trained in sin, how fearful is the lot of the drunkard's children from the fatal taint in the blood, the awful *hereditary craving* for alcohol, which either drives them into the same terrible destruction as their parents, perpetuating the crimes and miseries of the world ; or else involves the necessity of a lifelong helpless struggle, lest the wild beast of temptation should leap out before them, and hur! them down with its fatal spring—a struggle noble indeed, and heroic, and requiring as much virtue and resolution as would make a dozen ordinary saints, but one which makes life one awful and continuous martyrdom, almost from the cradle even to the grave.

These are some of the direct effects of intemperance. Some points ought, however, to be considered more in detail, namely, the influence drink has in contributing to crime, pauperism, and lunacy. Not long since a statement was made by Lord Aberdare, late Home Secretary, to the effect that crime was on the decrease in this country ; but this statement seems hardly to be borne out by facts, and, indeed, would appear to have been made in forgetfulness of the circumstance that by the Acts of 1847 and 1855, a large number of criminal delinquencies were removed from the list of indictable offences, and allowed

to be dealt with summarily;\* the number of criminals being thus *apparently* reduced without any reduction in crime. If this alteration of the law be taken into account, we shall find that while the amount of crime, taking the average of the five years ending 1854, was for that period as one in 671 of the population, in the five years ending 1873,—notwithstanding the spread of education and the existence of a general state of prosperity,—it had increased to one in 477.

As to there being a close connection between crime and intemperance, there is an almost universal concurrence of testimony. First, we have the authoritative statements of the judges† who are almost unanimous in declaring that by far the larger number of those who are tried by them have committed their crimes owing to the influence of strong drink. Next, there is the witness borne by the chief

■ *Vide* Judicial Statistics for those and the ensuing years; also, "Crime in England and Wales," by Hoyle, p. 43.

† *Vide* Speeches of Baron Amphlett, at Leeds Assizes; Justice Lush, at Bristol Assizes; Justice Keating, at Norwich Assizes; Justice Hannen and Baron Martin, at Liverpool Assizes; also



officers of our county and borough gaols,\* who declare that at least three-fourths of all those who have come under their care have fallen through drink. The most experienced governors of convict prisons† testify that almost all the convicts have been more or less intemperate. The chaplains of the gaols‡ most emphatically confirm these representations, and unanimously assert that a very large proportion of the criminals to whom they minister have sunk into the criminal class through drinking habits. Lastly, the trustworthy evidence of a large number of head constables, not only confirms these statements, but suggests that a great difficulty arises in regard to the police constables themselves from the temptation of strong drink to which they are exposed.§

The connection between intemperance and pauperism is equally proved by the reports of the most experienced chaplains and masters of

■ *Vide* "Report of Convocation of York on Intemperance," p. 127.

† *Ibid.*, p. 129.

‡ *Ibid.*, p. 130; also Appendix, p. 226.

§ *Vide* "Report of Convocation of Canterbury ■ Intem-



workhouses,\* in which we find them setting forth their almost unanimous conviction, founded on careful investigation, that the great majority of paupers are in that position in consequence either of their own intemperance or of the intemperance of their parents ; and the reports agree in saying that, were intemperance to cease, the workhouses in the next generation would be nearly empty. At the present moment, in fact, fully three-fourths of England's pauperism is the direct or indirect effect of drunkenness.

With regard to the connection between intemperance and lunacy, the most eminent doctors connected with lunatic asylums put down at least twenty per cent. of the cases treated by them to intemperance, and there is good reason to believe that it is the indirect cause of a much larger proportion.†

The following startling results are obtained

■ *Vide* "Report of Convocation of York," p. 148.

† Dr. J. C. Brown, Superintendent of Wakefield Asylum, reported that 15 per cent. of the cases of insanity there were due *directly* to drunkenness, and many more to its *indirect* effects. The Earl of Shaftesbury, Chairman of Her Majesty's Commissioners in Lunacy, places his estimate of the insanity caused by

from an examination of the above evidence as regards the vice of intemperance. In the first place, there are about 180,000 apprehensions in each year for drunkenness, and, calculating that for every drunken person apprehended at least two escape arrest, we have the appalling total of over half-a-million of drunkards in England and Wales. Assuming again that no more than two-thirds of these are heads of families, and that each such head represents, according to the usual calculation, a family of five, we have nearly 2,000,000 men, women, and children existing in the misery and degradation implied in the words, "members of a drunkard's family." Terribly suggestive, indeed, as these figures are, they will not appear strange to those who are enabled by their own observation to realize the fearful prevalence of intemperance, especially among the working classes,\* and who fully understand the significance of the fact that nearly thirty million barrels of malt liquor,

\* From the replies sent in by the clergy all over the country to the Convocation at York, ■ much larger percentage of drunkards,

eighteen million gallons of wine, ten million gallons of cider and perry, and forty million gallons of ardent spirits—containing altogether about 84,000,000 gallons of pure alcohol, and estimated as worth about 130,000,000 pounds sterling—are consumed in the United Kingdom each year.\*

As the result, we find half-a-million drunkards and two million innocent sufferers through this vice. We have also 16,388† offenders guilty of indictable crimes, in addition to 500,000 convicted summarily before the magistrates; over 100,000 of the latter number being convicted of personal assaults, many of which were aggravated assaults upon women and children. And of this vast mass of crime a very large proportion, it is agreed by everybody, is the result of intemperance. Nor must it be forgotten that at least 200,000 innocent persons suffered in purse or person through the acts of these criminals, and that the families of the criminals themselves are not the least deserving of sympathy among the innocent sufferers. Again, as re-

■ *Vide* "Crime in England and Wales," by Hoyle, p. 96.

gards pauperism, out of the 810,000 persons classed as paupers, between 500,000 and 600,000 are in this condition through the effects of intemperance; and out of 71,000 lunatics in England, Wales, and Scotland, 14,000 at least are insane from that cause. These figures are as startling as they are true; but the mind altogether fails to realize the mass of misery, vice, and crime, which they represent.

Enough has been said to show the alarming extent of the prevailing vice of intemperance. The question now meets us—whether the Government, under whose license all this alcoholic drink is sold, is or is not bound to intervene? It has been maintained by some that the drinking evil is *not* a subject for such interference; that, to borrow the words of a member of the House of Commons, “every one has a right to drink ■■■ much ■■■ he can carry away,” and that the State has no business to meddle with individual indulgence. Such arguments would hardly have been advanced but for the strong and powerful interests affected by this question; for if

■ *Vide* Parliamentary Census Report for 1871, and other returns.

there be one duty which is universally acknowledged as more incumbent than another on the governing power in a State it is the duty of providing protection for the citizens, and of insisting on the carrying out of arrangements for securing social peace and safety. This is recognized in all civilized communities, and, as a matter of fact, all civilized governments *do* prohibit actions on the part of individuals which are liable to work harm around them. They regulate, for example, the storage and vending of explosive materials, forbid the publication and sale of immoral books, make illegal the discharge of fire-arms in public places, and even the establishment of betting and gambling houses. No small number of things, indeed, are more or less limited, or entirely disallowed, on account of the danger they threaten to the physical or moral well-being of the people; and on the same grounds it must be quite as desirable and as right that the Government should regulate the traffic in that article which daily experience proves to be fraught, while it is unregulated, with public danger, rendering so

many consumers incapable of controlling their actions, and contributing, almost more than anything besides, to swell the ranks of pauperism and crime.\*

Assuming, then, that the State not only has the right, but is bound, to interfere in this matter, our next step is to examine what it is which conduces most to the encouragement of intemperance, and in what way State action can be taken with the best chance of success. The general testimony of observant men is that the number of drunkards in any locality is determined by the number of drinking-places, especially of those licensed to sell ardent spirits; they allege that in going through a list of towns and villages, you find the amount of intemperance, with few exceptions, to be in proportion to the beer-shops, and especially to the public-houses.

It is true that the Select Committee of the House of Lords on Intemperance stated in their Report of March, 1879, that "there appears to be no constant direct connection between the number of public-houses and drunkenness ;"\* but, further on, the cause of

\* *Vide* Report, p. 35.



this is unconsciously explained, for after noticing the fact that drunkenness most prevails in the most densely-crowded places, they say : "It is to be remarked that in large towns, while the public-houses have decreased in number, they have increased in size, and in the amount of accommodation which they afford. . . . It appears, moreover, that a greater number of public houses have been converted into 'vaults,' or 'gin-palaces,' which are mostly spirit-drinking places, where people stand to drink—the drink being served over the counter. These vaults are a modern creation, and their mischievous character is recognized by all the witnesses from the large towns, where they exist in the 'greatest number.'"<sup>\*</sup> In other words, the reduction in the number of public-houses in these places has in no way reduced the facilities for drinking. On the contrary, if the accommodation contained in those houses which have been suppressed be compared with the extensions made in those which have changed their character by becoming "vaults" or "gin-palaces," it would be found that the oppor-

■ *Vide* Report, p. 37.



tunities for drinking have in many cases been increased tenfold instead of having been lessened.

It has been argued that the multiplication of public-houses is regulated by the previous demand for strong liquor, and is an effect rather than a cause; but this view is entirely refuted by the fact that wherever drinking accommodation has been diminished, a decrease of intemperance has followed.\* This has also been the effect in various foreign countries, among which Sweden may be quoted as affording a striking illustration. In that country, the drink trade was formerly unrestricted, and the grossest intemperance prevailed, notwithstanding that the people were at the same time one of the best educated. The annual production of spirits was about 26,000,000 gallons, and the result was an unparalleled degradation of the people. “Notwithstanding effective and complete Church Establishment, the wide diffusion of education, . . . the efficient national establishment of schools suited to all classes, the Swedish nation stood amongst the lowest

\* *Vide* “Report of York Convocation” p. 215

in point of morality. No other three millions of beings in Europe appeared to commit within a given time so large a number of crimes and moral transgressions.\* The material condition of the country was equally bad. Even where the soil was rich, the farms displayed "an aspect of disrepair and discomfort." Everything told of "thriftlessness and reckless poverty."† Such were the devastating effects of free trade in the production and sale of spirits in Sweden.

In 1855, the Diet passed a License Reform Act, enabling the parochial and municipal authorities, subject to the confirmation of the governor of the province, to fix the number of retail shops and public-houses, and placing a heavy duty on the quantity of alcohol sold. The result was to reduce the number of distilleries from 44,000 in 1850, to 457 in 1869, and the production of spirits to less than one-fourth. After an experience of twenty-five years, the following is the testimony borne to the effect of this immense reduction in the use of intoxicating drinks, taken from an

account by the Rev. T. Major Lester of a visit to Sweden :—

A tone of thrift, honesty, and contentment appeared to pervade the country. The very garments of the poorer classes gave evidence of self-respect and cleanliness. The utter absence of drunken persons surprised us. The people as a whole appeared sober and thrifty, comfortable and well-educated, even in the dock-sides and by-streets of the larger towns.

Again, the town of Gothenburg, which was once pre-eminent for drunkenness, and in which the convictions for this crime had reached the enormous proportion of one in ten of the population, was so changed in this respect by the reduction in the number of drinking-houses brought about by vigorous efforts on the part of the leading citizens, that the number of police apprehensions was diminished in ten years by twenty-one per cent.

The town of St. Johnsbury, in Vermont, U.S., having a population of 5,000, is thus described by a trustworthy writer :—

A town which has all the aspects of a garden ; ■ town in which many of the workmen are owners of real estate, but in which the moral order is even more conspicuous

than the material prosperity. No policeman walks the streets ; on ordinary days there is nothing for a policeman to do. All voices, I am bound to say, reply to me that these unusual but desirable conditions spring from a strict enforcement of the law prohibiting the sale of any species of intoxicating drink.

The town of Bessbrook, near Newry, in Ireland, belongs to a wealthy Quaker, Mr. John Grubb Richardson. He employs there 4,000 persons, and will not allow a single public-house on his property. The results are wonderful ; no police are needed ; crime, riot, and pauperism are almost or quite unknown ; places of worship are well attended ; and rates are saved. Sir Titus Salt, at Saltaire, and the late Lord Palmerston, at Romsey, also suppressed drink-houses with similarly happy results.

By the foregoing examples it is fairly proved that undue facilities for obtaining strong drink, involving those numberless inducements which competition compels dealers to offer in the shape of amusements, &c., in order that they may secure customers, are the greatest cause of national intemperance—

is scarcely any intemperance at all—that where there are few there is very little\*—and that where these facilities have been reduced, a corresponding decrease in intemperance has taken place. In addition to this, it is in evidence that where a public-house has been introduced into a hitherto sober com-

■ The Report of the Convocation of York on Intemperance contains, on page 344, an instructive table, showing the relative amount of drunkenness in a number of localities in proportion to the number of drinking licenses. For example :—

Population of Town.	No. of Licensed Drinking Places.	Average to Population.	Amount of Intemperance.
634	...	1 to 600	... only occasional.
1,000	...	1 „ 500	... { 2 per cent. of the working classes.
2,358	—	1 „ 587	... small.
3,714	...	1 „ 530	... not much.

On the other hand—

980	...	13	...	1 „ 75	... amongst all classes.
11,000	...	34	...	1 „ 340	... { 33 per cent. of the men   20 per cent. of the females.
10,000	...	99	...	1 „ 101	... { very great among all classes.
14,000	...	109	...	1 „ 128	... { 80 per cent. amongst working classes.

Again, on page 309, the chief constable reports :—“The parish of T——— had formerly two public-houses and two beer-houses. At that time drunkenness and crime were rife in the parish. The magistrates stopped three of the licenses, and the consequence has

munity, where none had before existed, drunkenness has followed. It is to the diminution of drinking facilities, and the discouragement of liquors of a high alcoholic strength, that we must chiefly look for any improvement in this matter.

Mr. Chamberlain's evidence on the former point before the Lords' Committee, which has been embodied in their Report,\* is most conclusive. He states :—

The enormous number of public-houses, which is clearly out of all proportion to anything like the legitimate wants of the people, must tend to increase the temptation. In the first place, it has its effects on the people; the people cannot pass this number of houses without being more tempted than they would with a fewer number. I do not attach much importance to that; but I attach great importance to the number of persons directly interested in increasing the trade. There are 1,900 people in Birmingham, with their families, and all the members of their little circles, who are under the necessity of making a livelihood out of this trade. If there were only half the number they would do less trade; perhaps not in proportion to the reduction in the number of persons, but still there would be a great diminution. Then, the number of houses excites competition. Those men living close together cannot afford to

offend their customers in any way, and any demand that is made upon them they must meet, not merely from fear of losing the immediate custom, which they are unwilling to lose, but from fear of losing the whole custom of the man ; and there is no doubt that improper practices, such as gambling, and such things, are allowed to go on, because the publican, although he may not approve of it, does not like to set his face directly against it.

There are, indeed, too many secondary causes indirectly conducing to intemperance, such as the want of public parks and of innocent recreation, the wretched homes of the poor (previously referred to), the bad water-supply, and certain foolish customs of society; but the reason why many of these evils are allowed to remain is too often the carelessness for anything else than sensual indulgence which the vice of intemperance produces.

It is hardly necessary to demonstrate further the extensive prevalence of intemperance, especially amongst the artisan and poorer classes; or that it is from this source that most of the misery, crime, and pauperism that exist among us originate ; or that the amount of intemperance generally corresponds



with the size or number of places licensed for the sale of strong drink. But it should be borne in mind that, as the licensing laws are regulated by the representative Assembly of the country, the legislators in the first place, and the electors in the second, are directly responsible for the evils.

The next question which arises is as to the nature of the remedy to be applied. It has been urged that each parish should be allowed either to permit or to prohibit altogether the sale of intoxicating liquors within its boundaries ; while others desire to place the whole drink traffic under the respective municipalities, on some such system as that which prevails in Gothenburg. In regard to the first of these proposals there are many grave objections. Such laws would plunge every community into periodical and bitter contests, and the result would be that the wealthier parishes would prohibit public-houses, while the poorer ones, where the vice of drunkenness most prevails, would allow an unlimited number. Both proposals, more-

the country ; whereas, in every self-governed State, the first essential to all successful reforms is that they shall have the support of public opinion. Any legislation, or any attempt at legislation, without such support, must fail, and in most cases it would produce a reaction of feeling, which would hinder, not only legislative progress, but also the very formation of that public opinion which is so desirable. Reforms are often seriously delayed by crude attempts to accomplish something for which the public mind is not sufficiently educated or matured. It is therefore to be hoped that all friends of temperance, recognizing this truth, will be content to concentrate their efforts on such reforms as present a reasonable prospect of attainment.

In speaking thus, however, it is as regards legislative action only that this caution is necessary. There is no need for any abatement of exertion, but every necessity and every inducement for redoubled efforts to enlighten public opinion on subjects connected with intemperance, since every individual won to the temperance cause is of value, every "Band

of Hope" formed is a gain ; and though it is painful to wait while the monstrous evil is yearly devouring its host of victims, the friends of temperance need not despair, for their cause is holy, their battle is the Lord's, and every great and noble victory has been won through patience and through pain. It has taken centuries to win freedom to worship God, centuries to obtain freedom from political despotism, centuries to destroy the curse of slavery ; and it would be weak and foolish to complain because patient waiting and long-continued labour are necessary to free our community from the tyranny of intemperance. If the battle is to be won at all, it must be won by degrees, by steady persistence and patient endeavour, by bringing public opinion to approve each step attained, and so, from each success, progressing gradually onward.

The first practical step towards improvement is to prevent the creation of any further interests in the trade. Universal testimony shows that drinking-houses are, almost everywhere, far in excess of any possible need ; and that to this excess, with the competition

for trade which results from it, leading inevitably to the introduction of all sorts of attractions to draw customers, a vast amount of the existing intemperance must be attributed. Common sense therefore suggests, and public opinion would probably support, the enactment of a law to prevent further licenses being granted and enlargements of existing houses being made in any locality until the number of public-houses there had fallen to a reasonable proportion to the population. When such a limit was reached, the magistrates might be empowered to grant another license, subject, however, to an appeal to the Home Secretary on behalf of the inhabitants. But no difference should be made between the beer-shop and the public-house, for all evidence conclusively proves that they are both fraught with the same danger, and will continue to be so unless by some means a taste for beer of low alcoholic strength is formed. A heavy tax on the alcohol contained in beer would probably be of great benefit in promoting this taste ; in fact, this has been the case in Germany. As these

and are so evidently just, the only opposition to them likely to arise would be from some few of the manufacturers of intoxicating drink.

This step having been secured, and the creation of any further interests having been prevented—for which public opinion is probably already ripe—the next effort should be directed towards obtaining a distinction in legislative enactments between hotels proper (including those houses the chief object of which is the accommodation of travellers, and those which are mainly used as dining-rooms) and mere drinking places (including in this category all those houses where the chief or sole object is the sale of intoxicating liquors to be drunk on the premises). At present these are confounded, so that it is difficult to frame legislation that will apply fairly; but it is evident that an essential difference exists, and that respectable inns and hotels, especially if without drinking-bars, have little in common with gin-palaces and beer-shops.

This distinction made, the way would be prepared for the next most important reform—viz., the reduction of the hours during

which drinking-houses should be kept open and the entire closing of them on Sundays. No new licenses being granted, and there being consequently less competition, existing licensed houses would be compensated for this reduction of hours.

With regard to earlier closing, one of the witnesses before the Lords' Committee,\* intimately acquainted with the classes most affected, said :—

As years go on, I am still more convinced it is ■ mistake to allow public-houses to be open to so late an hour. A few Saturday nights ago I was in Shoreditch, and hundreds, I may say thousands of people, more or less excited by drink, and some quite drunk, were turned out at twelve at night. The whole scene, until twelve or one on Sunday morning, was most distressing. Now, in conversing with those very people I have asked them, "Would it not be a benefit to you men if the temptation were removed from you after ten at night?" and they generally say, "Yes." And if you take the opinion of the women of the working classes, they say, "We never get our eyes blacked before ten at night; our husbands return home the worse for liquor after ten or eleven."

The Chief Constable of Glasgow stated to the Committee that he believed the greater



number of the parties engaged in the trade, and also the citizens, "would be quite prepared to shut the public-houses earlier—at ten instead of eleven." The Lord Provost of Glasgow stated that the evidence he was able to procure showed that "as the hour grew later the apprehensions increased," and that "if we could cut drinking short at an earlier hour the number apprehended would be diminished."\*

The Irish Sunday Closing Act, which came into operation on the 13th of October, 1878, would seem to have had a very beneficial effect. The Government returns showed that, in the ensuing six months, the arrests for drunkenness on Sunday throughout Ireland, save in the five excepted towns, were 707, as against 2,364 in the corresponding period of the previous year; while in the five towns where the Act only restricts the former hours, the numbers of the arrests were 1,268 and 1,976 respectively in the same periods. The Government statistics for 1880 showed the very large diminution, during the preceding year, of 12,889 in summary offences, which it

\* *Vide Report, p. 51.*



was officially stated might "fairly be ascribed to the passing of the Sunday Closing Act;" this diminution having occurred mostly in the category of drunken cases—viz., 8,702—and in offences caused by drunkenness, there being a reduction of 3,204 cases of assaults, and 350 of cruelty to animals. Again, Mr. Hugh Mason, M.P., writing to *The Times*, says :—

I find by the returns that the quantities of spirits retained for consumption as beverages in Ireland were, for the year ended March 31, 1878, 6,115,332 gallons, and for the year ended March 31, 1880, 5,075,368 gallons, showing a decrease since the passing of the Irish Sunday Closing Bill of 1,039,964 gallons. To put the case in another form, I find that the consumption per head of population was 1·145 gallon in 1877, and 0·946 gallon in 1879, or a diminution of one-sixth.

It may be said that there are other kinds of "drink" besides spirits, so I have extracted the figures showing the quantities of malt and sugar charged with duty within the years ended March 31, 1878 and 1880 :—

		Malt. Bushels.		Sugar. Cwt.
1878	...	3,081,409	...	51,100
1880	...	2,854,802	...	37,241
Decrease ...		226,607	...	13,859

There is, moreover, a strong consensus of opinion on the part of Irish judges, prelates, and other persons of distinction, as to the advantages accruing from the operation of the Act.

Several influential witnesses strongly urged upon the Committee that public-houses should be closed earlier on Saturdays, and altogether on Sundays; and there was a universal testimony as to the benefits of Sunday-closing in Scotland, and as to the good results of the reduction already made in the hours in England. The Committee further expressed a strong opinion in favour of the claim of persons employed in the sale of drink to be relieved from Sunday labour. "There are upwards of 340,000 barmen and barmaids in England and in Ireland. Women and young persons are now prohibited by law from working in factories for more than 56 hours in the week, while in public-houses in the country they can be kept at work for 108 hours, and in London for 123½ hours."\*

A brief account of the Gothenburg system

\* *Vide* Report, p. 52.

will form a fitting illustration and supply a striking proof of the truth of what has been advanced as to the main cause of intemperance, and the means necessary to be adopted for its cure. Gothenburg, the second city in Sweden and a seaport, containing at the present time about 60,000 inhabitants, had long been, before the present system was established, one of the most drunken cities in the world. In 1855, as earlier mentioned, the apprehensions for drunkenness amounted to more than one in ten of the population, and in a report made on the city's condition it was stated, "that probably in no community was brutish coarseness and deep poverty so common." But in the year 1855 a change was made: the greater part of the spirit licenses were purchased by representatives of the municipality, who first reduced the number of bars, and then placed the remainder in the charge of persons who, it was intended, should derive no benefit from the sale of intoxicating drinks. At the same time the houses were inspected, made comfortable, and furnished, not only for the sale of intoxicants, but also for the supply of food and

unintoxicating drinks, on the sale of which latter the person in charge derived considerable profit.

It need hardly be pointed out that no cry of class legislation—the strongest weapon in the hands of our opponents—could be raised against this system, nor any accusation of “paternal” legislation; for every one who desired it could obtain strong drink, but, at the same time, all temptation to injure customers by inducing them to drink too much, or by adulterating the liquor, was taken away.

The profit on the sale of alcoholic liquors in Gothenburg thus belongs to the town, and it has had a considerable effect in reducing the rates, while the apprehensions for drunkenness, under a far stricter enforcement of the law than previously, have, as has been before stated, undergone a very considerable reduction. This is undeniably a great improvement, and it shows that much more might have been accomplished had the beer-shops, of which there were in 1873 no fewer than 400, the licenses for the sale of strong drink in music saloons, and also the retail spirit

been acquired at the same time. This striking change has, moreover, been accomplished notwithstanding a great increase in the prosperity of the town, and a very much higher scale of wages among the working classes—conditions which the experience of other large towns has shown are generally accompanied by increased intemperance.

The description given by a recent visitor to this city, which only twenty years ago was a sink of brutality and poverty, is as follows:—

The streets are entirely free from drunken persons, and the behaviour of the people is marked by the utmost propriety and decorum. The houses of the working people are well kept, and no external poverty is visible.\*

Gothenburg has thus proved, by the comparatively great success of its system, that restriction in the sale of drink can effect the salvation of a town from intemperance, and it has also shown, by its partial failure, that such restriction must apply to all drinking places alike.

Some persons urge that we should look for a remedy for the evil in the effects of educa-

\* *Vide* "License Reform: the Gothenburg System," by Alex

tion. But not only is it vain to expect these results from such instruction as elementary schools afford the working classes (which education ceases at thirteen years of age), but, as a matter of fact, intemperance is quite as prevalent among skilled and educated artisans as among rustic labourers; while Sweden, as has been shown, prior to the adoption of the above measures was most deeply sunk in this vice though her people excelled in education. Religious influence will no doubt do much, especially now that the Churches have roused themselves to the work, and ministers of all denominations have become missionaries of temperance, many totally abstaining themselves that they may help the weak and give countenance to those noble men and women among the working classes who resist the influences around them, and who, amid taunts and often despite persecution, help forward the temperance cause by showing that total abstinence in no way necessarily deteriorates the man, mentally, physically, or spiritually.

But who does not know that the great hindrance to all moral as well as religious influence is the existence of intemperance?



The public-house bars the door to the House of God ; and while other influences may be used to reduce the attractions of the tavern—such ■ securing in each locality a full supply of pure water, public parks, reading-rooms, facilities for higher education, innocent recreation, healthy dwellings, stricter police supervision, a better administration of the Poor-Laws, making improvidence (especially when flowing from intemperance) a crime, and eliciting a healthier tone of public feeling in relation to intemperance—yet all these together will have comparatively little effect so long as over 140,000 publicans and beer-sellers—many of whom would be ruined themselves, but that they subsist on the ruin of their customers—compete, by holding out every species of allurements, to attract the young and unwary to their bars and counters. Meantime, the disease of intemperance is, it is to be feared, not decreasing. Women have taken to it more than formerly,\* and drunken parents are not only poisoning the blood of their children but by their ex-

■ 10,000 women, and 12,000 ■ were apprehended in Liver-



ample subsequently introducing them to the vice.

It is surely time that every sober man should exert himself to abate this evil. Indifference in such a case can only be justified by the plea of Cain, "Am I my brother's keeper?" It is, unhappily, too easy for respectable people to shut their eyes to the ills about them, so long as the police keep the leading thoroughfares clear, and the daily list of crime and misery in the columns of the press is passed over unread; but not the less will the blood of our brothers and sisters cry out against us from the ground, if, from apathy or selfishness, we make no effort to fence the gulf into which such multitudes are ignorantly or madly rushing. Nearly every week coroners' juries are engaged in investigating the suicides of wretched girls ruined through drink. The Divorce Court is constantly recording the destruction of homes through one or other of the parties having fallen into habits of intemperance. There are few cases of murder or manslaughter but are proved by the evidence to be connected directly or indirectly with drink; while every species of cruelty and

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misery, even to the maiming and wounding of helpless infants in the drunken fury of their own parents, besides numberless accidents, are daily recorded as arising from the same fearful cause. In the criminality of these horrors every member of the community must take his share, *for the majority of them may be prevented.* They are the natural outcome of the legal permission given to unlimited beguilement of the weak ; and no sophistry, no profession of ignorance, will relieve one of us from sharing the heavy responsibility of these crimes till his utmost influence has been exerted in the cause of temperance.

## IV.

## MISCARRIAGE OF JUSTICE.

THE wise administration of good laws is the crowning honour of a nation, marking its attainment to a high position in culture and civilization. On the other hand, disgrace must rightly attach to any community which allows its laws to be confused—not to say unintelligible—or which submits to such defective . . . as causes frequent failure of justice, either by deterring men from approaching the tribunals in civil disputes, because of their oppressive cost or dilatoriness, or by the regulations being such as to deter witnesses from giving evidence. Again, if the punishments inflicted in criminal cases be such as to fail of their proper effect, either from the prevalence of uncertainty, or from their disproportion to the gravity of the crimes

committed, disgrace, as well as loss, falls upon those who tacitly acquiesce in such miscarriage of justice.

If these propositions be true, the English nation has little reason to boast either of high culture or of practical wisdom. Bad laws and a hap-hazard execution of them are prominent evils, both in England itself and in its dependencies. English law has, indeed, been described by some of the most eminent lawyers as a mass of confusion, and as sometimes utterly unintelligible. Moreover, ever-increasing numbers complain that not only is its administration most defective; but that the delay in obtaining a hearing often involves a practical denial of justice to a large proportion of those who apply to the courts. Finally, such unequal punishments are awarded to criminals by both magistrates and judges as frequently to cause a national scandal.

That such a state of things should have been permitted to continue so long reflects little credit on the people of England, whose fault it is that the wrong has not been remedied. But, while the public at large

deserve censure, the members of the legislature—and chiefly those of them who belong to the legal profession—deserve special reprobation. As regards the people generally, their apathy must be attributed to that characteristic indolence under which so many evils are allowed to grow till they become unbearable before efforts to reform them are seriously put forward, but the part taken by the members of the legal profession in Parliament is one very difficult to explain, except under the supposition that they are swayed by interested motives.\* Schemes which have been from time to time brought forward have been so mutilated in the course of almost endless discussion, that, when finally carried, they have been almost useless.

Before proceeding to consider the defective administration of the law, a few words may not be irrelevant on the license which is too often allowed to counsel in the cross-examination of witnesses, the insinuation of base motives in which they indulge, and their

\* It would, however, be unfair to omit noticing that some of the

utterly unjustifiable innuendos as to the characters of those who are witnesses on the opposite side. Were it possible to expose the needless pain, the undeserved mental suffering, undergone by innocent persons (especially when they are poor and imperfectly educated) whose only object is to tell the truth to the best of their power, a reform in the procedure of our courts in this respect would not be deemed the least important among the changes needed; although it must be granted that it would be very difficult to remedy this evil by direct legislation, since a certain latitude must of necessity be allowed to counsel in dealing with witnesses, who are not always honest. Probably the reform must rather be looked for from a steady effort on the part of the judges sternly to repress any excess, and from such an improved tone in the Bar itself as will furnish an unwritten law which none of its members will dare to transgress.

Many of our judges already set their faces against such conduct. But there is no common action, and the evil is still a crying grievance.

of the members of the Bar. Were the abuse, indeed, general, the position of a witness would soon become intolerable, and justice could not be administered.

Looked at by other than professional eyes, the bullying, browbeating barrister is justly an object for scorn and condemnation. His position is one of security, and with cowardly confidence he abuses it, feeling safe from retort on the part of witnesses by the shadowy fear they have of falling under the penalties of contempt of court; still more by the nervousness of the larger proportion, to whom the fact of their being placed in the prominent witness-box, the consciousness that the eyes of judge, jury, and a solemn array of gentlemen in wigs and gowns, are upon them, is a cause of such trepidation that the self-assured barrister finds it easy to victimize those who have already lost all self-possession.

It is a matter of grave astonishment that any judge should allow an advocate to exercise his skill in first confusing, and then by damaging insinuations, perhaps



female, or possibly still more nervous male witnesses, whose only fault is that they have been dragged into that position for the presumed furtherance of justice. The permission of such conduct is a scandal to our courts of law; and those who have witnessed it from the jury-box must often have found it difficult to refrain from punishing the client from a feeling of indignation against the advocate. The evil would not be so serious if it were only obscure men who thus abused their position, but some of those who hold a high rank in the profession are by no means guiltless. Not long since a Vice-Chancellor felt himself obliged to express regret that an eminent Queen's Counsel, a knight, and a writer on law reform, had been guilty, not indeed of the smaller offence of browbeating a witness, but of introducing malicious insinuations as to the motives of parties on the side opposed to him.

If a call to the Bar is to continue to be thought a social distinction, and as admitting to a highly honourable profession, this evil must be remedied. Honour can only attach to the profession by the strict honour with which

all its duties are fulfilled. The cure of disease is necessarily in itself an act worthy of honour ; the high aspirations of the clerical profession justly bestow honour upon it ; but the greatest care and sensitiveness as to its honour are essential in a profession as to which it is open to railers to say that its members sell their best powers of mind and speech to the highest bidder, to win their paymaster's cause independent of its intrinsic righteousness. The profession has become dignified by the high character of a large majority of its members and of the judges who have risen from its ranks. But for this very reason, and that it may maintain its character, unworthy conduct should be sternly discouraged.

An instance of the manner in which the best-intentioned witness may be mystified by a clever advocate, was once beheld in a Committee-Room of the House of Commons. A colonial bishop—an ardent advocate of the rights of the aborigines—was being examined as to the treatment of the natives in his diocese. He was an excitable man, and by the ingenious cross-examination of an able barrister, who was probably actuated

more by mischief than maliciousness, he was led to make admissions and statements which, when put together, appeared to show, to his utter consternation, that he had expressed an opinion that it would be a benefit to humanity if those whose cause he came to plead were improved off the face of the earth.

If it be justly held a cowardly and contemptible act for the physically strong to assault and injure the bodies of the weak, it is surely no less so for the clever, accomplished advocate to hurt the feelings and damage the character of those who cannot defend themselves. The bruises of the body are less painful and sooner forgotten than the mental suffering inflicted by the reflections often cast upon witnesses who only desire to speak the truth.

To pass to the defects in the law itself, and in its administration, there is : first, the cruel regulation which excludes persons under trial on a criminal charge from giving any evidence in their own behalf. It has been argued with some plausibility in defence of this rule, that if prisoners were allowed to

give evidence, the majority of them, being comparatively ignorant persons, would be easily entrapped under cross-examination into statements injurious to themselves, while the worst criminals, by help of their past experience, and often by their superior talent, might be able to deceive the jury. Admitting the force of this objection, it is altogether insufficient to overcome the strong feeling which is so justly prevalent as to the palpable unfairness of closing the mouth of an accused person, who is often the only one capable of explaining otherwise damaging facts brought against him by the witnesses, and who may therefore be unjustly condemned simply

by such explanation as might throw an entirely new light upon the matter cannot be given. Moreover, the difficulty now referred to is not very hard of solution, and would altogether be removed if the prisoner were allowed to make his defence *after* all other evidence had been given, and *after* the counsel had made their speeches; his statements being only subjected to the examination of the judge, or of the jury through the judge. To

a certain extent, and in a very defective way, this practice already prevails in trials for the most serious of all offences—murder. In these cases the prisoner is always asked, before sentence is actually pronounced, whether he has anything to say why it should not be passed. But though the principle is thus acknowledged, the practice is little short of a mockery, since the question is never put until the jury have already pronounced their verdict, which the judge himself cannot alter. It would surely be far more reasonable if the prisoner were allowed to speak for himself before, not after, the case had been decided against him, especially as until then his innocence is presumed by the law itself.

Another striking defect in the administration of justice in criminal courts is the passing of short and separate sentences of imprisonment, as is so often done in the cases of inveterate misdemeanants; no provision being made in the classes of what are considered minor crimes for cumulation of punishment. The consequence is that many punishments are worse than valueless, being wholly power-

into crime. One or two instances may be given in illustration. A woman lately brought before a Dublin magistrate for drunkenness was proved to have been fined or imprisoned more than two hundred times. Another woman recently sent to York Castle for a month, had already been imprisoned one hundred and fifty times. A man sentenced at a London Police-court to one month's imprisonment had been in prison one hundred times. The chaplain of the Manchester City Gaol reported that one woman there was undergoing imprisonment for the one hundred and forty-sixth time, one for the one hundred and eighth; that there were thirteen women who had been imprisoned between twenty and forty times; and that among the males, one had been committed sixty-five times, one sixty, and six between thirty and forty times. If we take into account the expense of re-apprehending and re-convicting these prisoners, the loss and injury to the individuals on whom some of the offences were committed, and the utter worthlessness of the punishments to the prisoners themselves, the state of the law stands utterly con-



demned; more especially if we have regard to the moral effect upon the criminal classes, who, seeing the law thus repeatedly and contemptuously broken by the same individuals, become more and more regardless of punishment.

With respect to the most heinous of all crimes, murder, a Parliamentary Committee recently declared, after full inquiry, that the law was "most evasive and sophistical," and that under it persons are condemned by means of a legal fiction. Everybody knows that sentence of death is often passed in cases of infanticide when it is quite certain that the sentence will not be executed, and ought not to be so. Not long since a Judge at the Oxford assizes, in sentencing a woman to death for this offence, said, "The killing of your child is undoubtedly murder; but, so far as lies in my power, the sentence shall not be carried out." Indeed, there is the very highest testimony that the laws relating to murder are so defective, and the administration of them so anomalous, that they positively tend to encourage this crime rather than to deter from it.



An eminent barrister, in answer to a question on the subject, stated that it is a common observation in his profession that there is nothing more difficult than to obtain a verdict of guilty from a jury when the charge is murder; that it had frequently occurred, within his experience, that the jury had asked, "Can we find a verdict of manslaughter?" and when told they could not, they had allowed the prisoner to go free. Even when a verdict of "Guilty" is obtained, the penalty of death is comparatively so seldom carried out, and the dangerous classes feel that their chances of escape from it are so numerous, that the fear of it ceases to be deterrent. From 1861 to 1872, 281 persons were sentenced to death: of these, 142, or just one-half, were hanged. In 1875, out of 84 persons convicted of murder, only 15 were hanged. Thus, the capital penalty tends specially, beyond all others, to impose obstacles to its own enforcement, from the impression produced upon the minds of the jury of its irrevocable nature and the awful issues involved in it, and because in the case of murder the evidence is usually

entirely circumstantial, as the victim was the sole witness to the act.

Without asserting that the death penalty should *never* be inflicted—there being strong evidence of its deterrent effect upon certain classes—it would seem extremely desirable in the interest of the community that juries should have the power to bring in a verdict of “Murder in the second degree,” or of “Aggravated manslaughter,” involving a life-sentence of imprisonment. This would of necessity materially lessen the chance of escape of the criminal; and as it is the certainty more than the amount of punishment which affects the minds of the criminal classes, in all probability the crime of murder would then become much less frequent.

The following statistics show that this has been the result as regards crimes which were formerly punished with death, but are so no longer:—

#### COMPARATIVE STATISTICS.

ENGLAND AND WALES.—During the past quarter of ■ century most of the serious crimes in the country have materially diminished, *especially those which were formerly*

*capital.* For example, the Judicial Statistics show as follows for the quinquennial period commencing 1855, compared with the similar period ending 1879:—

	1855-59.	1875-79.	Decrease.
Burglary. . . . .	2,466	1,650	816
Housebreaking . . .	3,264	2,263	1,001
Cattle stealing . . .	110	91	19
Horse stealing . . .	488	469	19
Sheep stealing . . .	513	272	241
Arson (of 3 classes) .	1,013	537	476
Forgery . . . . .	994	964	30

Two crimes, once capital, show an increase in the same period, though certainly not in *proportion* to the increase of population, viz.:—

	Increase.		
Rape . . . . .	677	803	126
Attempts to murder .	179	193	14

The crime of murder, despite executions, rather increases than decreases. The convictions were as follows:—

	Decade.	Decade.	
	1850-59.	1870-79.	Increase.
Murder . . . . .	167	255	88

To turn now to lesser crimes, one of the greatest causes of the miscarriage of justice is the spirit which appears to underlie our criminal law that property is more sacred than the person; the influence of which seems so to possess the minds of the judges and

magistrates that it terribly aggravates the mischievous tendency of the law itself. The contrasts in the punishments awarded for offences against property and those inflicted for the most atrocious crimes against persons, as recorded almost daily by the press, constantly shock every sense of justice. It is not, however, sufficiently realized that every instance of such inequality of punishment is a moral, or rather a terribly immoral, lesson taught to that large portion of the community which takes its notions of what is serious and what venial from the decisions of the law, and that thus an amount of harm is done that can hardly be estimated. It is, as has been already said, to this unacknowledged but sinister influence of the law, imbuing them with confused ideas of morality, that we must attribute the existence of much of the brutality prevalent among the lowest classes. The following comparative sentences awarded by judges and magistrates will, after making every allowance for facts not recorded which might modify their apparent unfairness, show more strikingly than any mere argument the gross injustice of some of the punishments inflicted, and the

effect that must be produced among the ignorant classes :—

#### OFFENCES AGAINST THE PERSON.

A man named O'Neil, who had kicked his step-daughter, aged thirteen, into a state of unconsciousness, inflicting a lacerated wound, ■ inch and a half long, in the abdomen, resulting in partial paralysis of one leg, was sentenced to *four months' imprisonment*.

A woman named Hurley was sentenced by Mr. Balguy, at Woolwich, for knocking a child a few months old against the ground and the wall (the infant being picked up stunned and bleeding), to be sent to prison for *one month*. The magistrate added (severely) that the ■ might have killed her child.

Thomas Rickett, charged before the Lord Mayor with throwing his wife down a flight of fourteen steps, was sentenced to ■ *fine of twenty shillings or ten days' hard labour*.

#### OFFENCES AGAINST PROPERTY.

James Kelly was charged with stealing five-pennyworth of tripe, which he was found "riving at" with his mouth. He at first pleaded "not guilty," but being told that he would have to wait his trial at the next Assizes, he pleaded "guilty," and was sent to prison for *three months with hard labour*.

Eliza Rolfe pleaded guilty at the Middlesex Sessions to a charge of stealing ■ sheet and other articles. The Assistant-Judge sentenced her to *seven years' penal servitude*.

A child, ten years old, was committed at Clerkenwell for *twenty-one days' hard labour* for stealing a house-leek, valued at fourpence.

Samuel Greenwood was charged at the Skipton Petty Sessions with sleeping in a hay-loft, and was *imprisoned for one month*.

At Westminster, Ellen Winch, ■ decent-looking woman, described as ■ sempstress, was sentenced to *six months' hard labour* for stealing some curtains.

Two men, convicted before Mr. Justice Lopes of killing a ■ from whom they had received no provocation—the one by inflicting blows on the head with his fist, and the other by kicking him on the head as he lay helpless upon the ground—were sentenced to *twelve months' imprisonment with hard labour*.

At Wakefield, ■ miner, who, without the slightest provocation, had knocked down and kicked savagely a perfectly inoffensive man, was sentenced to *a fine of £2 16s.*

Richard Mountain was convicted, at Southwark, of turning his wife out of her bed and room ■ hour after she had been delivered of a child, thereby endangering her life. He had knelt upon the bed, struck her ■ the face and mouth, and pulled her out of the bed; she crawled along the floor and got ■ the landing, when the prisoner closed the door, exclaiming, "She shall not live here." Mr. Benson told him his conduct was worse than that of the lowest order of animals, and sentenced him to *four months' hard labour*.

A miner, charged with savagely assaulting a policeman in the execution of his duty, was ■ tenced, at Wakefield, to ■ months' imprisonment.

Daniel Welsh, found guilty at the Surrey Sessions of receiving two shillings and sixpence, knowing it to be stolen, was sentenced to *penal servitude for fourteen years*.

At Durham Assizes, ■ millwright was sentenced to *five years' penal servitude* for fraudulently obtaining £10 from ■ benevolent society.

At Marlborough Street, George Cresswell, pantryman ■ the Badminton Club, Piccadilly, pleaded guilty to stealing a five-pound note, and *was sent to prison for six months*.

Robert Collins was charged with stealing five silver spoons, and was sentenced to *seven years' penal servitude*.

The Middlesex magistrates sentenced ■ ■ to *ten years' penal servitude* for stealing a watch, and a woman to *seven years' penal servitude* for the ■ offence.



At the Middlesex Sessions ■ man was convicted of inflicting grievous bodily harm on a woman with whom he had been living. The villain had knocked her down, kicked her on the head, and destroyed one eye. On another occasion he had broken a rib, and on her way back from the hospital, where she had been to get the rib mended, this wretch once more struck her upon the bandaged wound. The magistrates sentenced him to *eighteen months' hard labour*.

A short time ago, for deliberately picking up his child, eleven years of age, and throwing him upon a large fire, a labourer, named Joseph Foster, was committed to prison by the Nottingham magistrates for *one month's hard labour*.

An assistant in the Post Office at Bath was sentenced to *six years' penal servitude* for stealing ■ letter containing seven shillings and sixpence.

At the Central Criminal Court a letter-carrier was sentenced to *five years' penal servitude* for stealing some postage stamps.

At the Surrey Sessions, Job William Tribe was convicted of stealing ■ penny, and was sentenced to *six months' imprisonment with hard labour*.

The above cases, which have been taken at random from the reports of the press, show that the administration of our criminal law is in reality demoralizing, instead of elevating, the people. Such facts as a poor wretch being condemned to six years' penal servitude, with the life-ruin which it implies, for stealing a letter, and another to seven years for stealing a sheet, while a villain who nearly murdered his wife, turning her out of the room an



hour after child-birth, escaped with four months' imprisonment; and another villain, who was convicted of inflicting permanent injury on a woman by kicking her on the head and destroying her eye, having, on another occasion, while she was returning from the hospital, where she had been to get a rib he had broken set, hit her with fiendish malignity upon the bandaged wound, was only condemned to eighteen months' hard labour—surely all this is a violation of every sense of justice, and fills the mind with indignation. Such decisions are a disgrace to the country, and especially are they so to the magistrates and judges who give them.\*

No improvement in the morals and manners of the people can be looked for, but crimes of violence must needs increase, while the influence of the law and of its administration is so degrading.

Among the remedies needed to make the law just, are: first, improved arrangements, preventing prisoners from being detained, ■ now, for long periods before being brought

■ For further similar cases, see Appendix, pp. 234-45.

to trial; second, the permission to accused persons to give evidence and speak in their own behalf, under some such limitations as those before suggested; third, a system of cumulative punishments in cases of repeated convictions for petty misdemeanours; fourth, such an amendment of the law relating to murder as shall make a distinction between different degrees of guilt, and so render the conviction of guilty persons less uncertain; fifth, a Court of Appeal in criminal cases, guarded by the provision that no such appeal shall be allowed except with the permission of the judge, or some properly constituted authority to whom cause should be shown, so superseding the present appeal to the Home Secretary in response to popular agitation.

With respect to the latter point, a valuable suggestion was recently made in a leading article in *The Times*, which said :---

There ought to be provision for making it a little more apparent to the public, to the criminal community, and to the criminal himself, why the crime is avenged on the lower or the higher scale. The judicial staff cannot be increased sufficiently to supply criminal courts with more than a single judge for the conduct of trials. It might not be equally impossible to submit sentences

to more judges than one. A single judge might, as now, hear the case with the jury, and record the conviction. There is no necessity for declaring the penalty at the same time. At present it is not unusual to order prisoners to be brought up for sentence the next morning, or at the conclusion of the assize. What is done sometimes in these days might become habitual. The judge who tried the case would still deliver the sentence with the prisoner before him. But it would be the sentence of himself and a brother judge, or, it might be, of several. A few days' reflection, contact with other minds, and the need not so much of defending ■ of explaining to another, or to others, ■ sentence of unusual leniency or severity, would lead to occasional alterations of resolution without any practical risk of interference, by strangers to the facts, with the deliberate view of one who had studied them. We do not suppose ■ judge's decision, formed in the course of a trial, would be often either set aside or modified. A habit, however, would be formed of considering the sentence, much more than at present, an integral part of the trial. Judicial minds would grow more exacting in requiring it to be shaped on ■ methodical and scientific principles as those which they recognize as regulating the laws of evidence and legal logic.

The adoption of this proposal would perhaps be as efficacious as the establishment of a regular Criminal Court of Appeal.

the very spirit of our law and in the traditional bias of the judges, which lead to the passing of harsh and cruel sentences upon persons convicted of offences against property, and sentences just as inadequate upon those who are guilty of outrages against the person.

If we next turn to the administration of justice in the civil courts, it is to be feared that, notwithstanding the reforms effected during the last few years in our judicial system, there is still much to be desired before legal business can be said to be carried on in such a satisfactory way as to secure justice to poor and rich alike.

The sufferers from the present state of things are not only the suitors, who are kept for months, and it may be for years, in suspense, knowing that heavy costs are meanwhile accumulating against them, which in the case of all but the wealthy means ruin, and subject, further, to the dread that their best witnesses may die, or in some way cease to be available before the long deferred cause is heard; but they include also the witnesses themselves—especially those who are strugg-

ling for a maintenance—who often suffer serious loss and inconvenience by being kept for weeks from their business occupations, waiting for causes to come on. But beyond these, it may be said that all are sufferers from this state of things who have anything to lose, and who may at any time find themselves either suitors, defendants, or witnesses; for at present, innocent persons are liable at any moment to be made victims of merely speculative actions, or to be damaged by fictitious defences if they themselves have found it necessary to seek the protection of the law. In the one case they become the objects of downright extortion; in the other they suffer from wearying delay.

A large proportion of the business set down for common juries is said to be entered with a direct calculation on delay occurring; and the postponement of trial often amounts to a denial of justice, for suitors frequently, after waiting and waiting in vain for a decision, grow weary and withdraw their causes from the courts; while numbers of cases are settled by the defendants at the last moment before coming on for hearing, plainly show-

ing that many of the pleas are simply efforts on the part of defendants to put off as long as possible, by the aid of the courts themselves, the satisfying of claims which they cannot disprove. Among these surrenders, however, not a few arise from the utter inability of the plaintiff to produce any evidence in support of his suit; the proceedings, in fact, being from the first simply speculative, and got up in the hope of compromise, or at least of securing some amount of costs. It is a grievous scandal that unprincipled speculators should be able positively to trade upon the terror of a defendant at the law's delay, systematically reckoning upon his knowledge that, the plaintiff being without means, the costs, however iniquitous the action may be, must fall upon himself. In this way, the law itself is made an accomplice in the very basest schemes of extortion.

This particular evil seems, at first sight, not easy to deal with. The dilemma may be stated thus:—The law as it now stands holds out strong inducements to unprincipled men, who have nothing to lose, to commence



actions for the sake of extortion ; on the other hand, the universal enforcement of a demand for security to be given for costs might often result in a practical denial of justice to the poor, since, from want of funds, they would be unable to seek redress, and thus be in reality at the mercy of the rich. But the difficulty might be met by a rule that in every action the plaintiff should be obliged to give security for costs, *except* where poverty was pleaded, and in such a case, the judge, or some competent person appointed by him, should examine into the merits of the case, and on the action being found a *bonâ fide* one, relax the requirement for security for costs. It is probable that such a rule would at once put an end to nine-tenths of the trumped-up actions which at present cause so much cruel injustice, while the poor man would still be enabled to have as free access to the courts of law as he now possesses.

It is difficult to realize the mental suffering—often involving utter bodily prostration—besides the pecuniary loss, which the excessive delay continually causes, and every body must



admit that it is a disgrace to our community that it passively submits to this. But some who have not been painfully enlightened may ask, what occasions such amazing miscarriage of justice?

One great cause is undoubtedly the difficulty of understanding, on particular points, what the English law is. Even judges themselves are continually complaining of Acts of Parliament being so badly drawn that, without obtaining a legal decision of a case from the House of Lords, it is impossible to know their real intention and scope; and the probability is that the decision thus obtained is often the conception of the Appeal Judges as to what is right rather than of what the legislature itself intended. The obvious remedy for this is that a Judicial Committee, or else some properly qualified official, should be appointed by the legislature to see that the Bills which Parliament is asked to pass are properly drafted, and to supervise their verbal construction as they are carried through the several stages. It is nothing less than grotesquely cruel that the legislature should require some unfortunate victim to be sacri-

ficed before the highest Court of Appeal in order that the blundering language of its Acts may be made intelligible.

There are, again, many cases brought before the Courts which can only be satisfactorily decided by the aid of technical knowledge, and which necessitate a large amount of investigation, and the calling of experienced professional witnesses, involving enormous expense, when perhaps the amount actually in dispute is comparatively trifling. As an instance of this class of actions may be mentioned "light and air cases," suits to which a person rebuilding property in any of our large towns is always more or less liable; for, strange as it may seem, there is no settled rule as to the amount of light to which a neighbour is entitled, the decisions of different judges not being uniform. Such cases unnecessarily occupy the judges, delay other causes, enable sharp practitioners to commence actions for purposes of extortion, and, where the defendant is poor or ill-defended, often result in positive miscarriage of justice and the ruin of the defendant. Yet the whole of this waste of time and money,

as well as the oppression and the suffering resulting from it, might be prevented by the adoption of the common-sense plan of compulsory reference. If it were in the power of either of the parties to a suit, or of the judge, to refer the question in dispute in the first instance to a court of three responsible persons—one of them a barrister, as assessor, and the other two properly qualified men, the matter might be settled in a minimum of time, and at one-twentieth part of the cost. Moreover, if actions of this kind, and similar ones, as, for example, those relating to alleged infringements of patents, which can only be decided by technical knowledge, were removed from the chief courts, a relief would be given to the course of law which would greatly abate, if not do away with the present delay.

Such Courts of Reference as are here suggested might also be established for the hearing of appeals against rating assessments, and for the settling of compensation for lands taken and injury done under compulsory powers. It would, of course, be necessary that the referees should be men of high

standing, and they would have to be paid sufficiently well to induce them to give up private practice; but there would be plenty of work throughout England for several such courts; and their establishment would so largely save both the money of suitors and the time of the judges, that few reforms could be more economical and valuable.

Readers who are informed in these matters will at once distinguish between this suggestion and the system of official referees which was brought into existence to enable the judges to dispose by reference of what they call "matters of account." What is here suggested is meant to have a much wider scope than those appointments, and, moreover, the proposal has a bearing upon the practice of what may be called unofficial arbitration, which is said to be fast spreading. Business men, warned of the dilatoriness, the cost, and the uncertainty of the law, are more and more frequently dispensing altogether with the courts, and inserting in their contracts and agreements a clause providing for the reference of disputes to an arbitrator. In

private judges, paying them out of their own pockets—a striking comment on the failure of our national judicial system.

Enough has been brought forward to show the unsatisfactory state of the civil law, its defective administration, and the urgent need which exists for at least the following reforms:—The supervision of the wording of Acts of Parliament, so that they may be made intelligible; a codification of the law, laying down some uniform rules of justice which the different courts would only apply, and the application of which could be reckoned on beforehand; the appointment of Courts of Reference to deal with all technical matters, as well as questions of disputed value; the requiring of security for costs from plaintiffs, except in special circumstances; the organization of one Court of Appeal to supply the place of the intermediate courts, which really decide nothing, but cause both expense and delay to the suitors; and some official reforms securing a general expediting of the proceedings in and out of court.

But though it is a disgrace to our practical

wisdom as a nation that the civil law remains in its present confused state, and that injustice is so often done by reason of delay, and by the way in which the law lends itself to factitious proceedings, it is, as previously pointed out, a still greater disgrace that, in spite of our boasted civilization, our philanthropy, and our religion, the criminal law is left so bad in spirit and is so unequally administered, that a man who kicked his daughter into a state of unconsciousness, producing paralysis, was free after four months' imprisonment, while many a letter carrier, who, in a moment of temptation, has stolen a few postage stamps, is doomed to linger out in misery a sentence of five long years of penal servitude.

Before concluding this subject, it will be necessary to say a few words upon the state of the law of England with regard to women. At the present moment our Statute-book contains two Contagious Diseases Acts, one of which, when referred to in the press, is, for the sake of distinction,



eases (Animals) Act.” The other is referred to as seldom as possible, probably from the conviction that the principle upon which it is founded is utterly opposed to all true decency and justice, inasmuch as it places the weaker portion of the community entirely at the mercy of police officers, doctors, and magistrates; so that their reputation, and even their power to earn an honest livelihood, may be ruined by the action of officials who are most unfairly protected by the Acts from all danger of prosecution.

This Act, which, for the sake of distinction, might be described as the “Contagious Diseases (*not* Animals) Act,” although it permits women to be treated as brute beasts, stands self-condemned, even had it accomplished all the physical benefits claimed for it by its advocates, on account of its violation of every true principle of justice. It punishes women, even if only suspected, for that which it teaches is permissible in men. The subject, however, is not one to be dealt with in detail here. Let it suffice to say that the system is doomed to failure; that the experience of foreign countries, where it has for sufficient time



been in full force and been carried out with an utter disregard of all principles of liberty or philanthropy, has proved its futility with regard to its object, and has also demonstrated the awful results of violating the laws of morality and justice. In some foreign cities, notably in Brussels, as revealed in State trials, the magistrates, the police, and the doctors have themselves been utterly demoralized by their connection with this system; while it has enabled the development of an extensive slave trade—the procuring by deception of young foreign girls, especially from England—large numbers of whom have been held by means of these laws in a condition of infamous slavery, from which the deaths that have from time to time resulted have been a most merciful deliverance.

But if we turn from this painful subject to the ordinary laws relating to women in England, no just-minded person can fail to regard them with surprise and indignation. To take one example, a girl is only permitted, under the Factories' Act, to work half time until she reaches the age of fourteen

years—that is to say, the law regards her as an individual not capable of defending herself against inducements to over-work ; until she is sixteen years of age she is not competent to choose her own domicile ; and, whatever may be her own wishes on the subject, not on herself, but on her parents, falls the liability to prosecution if she be not vaccinated. But while in these and many other points, she is treated up to sixteen years of age as incapable of protecting herself, there are two matters, and these the most important of all, in which the law recognizes her as an entirely free agent. At thirteen years of age she is held by the law to be old enough and discreet enough to contract marriage, to make that irrevocable contract which binds her whole future life ; and at thirteen years of age she is considered competent to consent to her own dishonour. In other words, while the law treats her as a perfect infant, and as incompetent to form a judgment in minor matters, it allows a child of thirteen to ruin her life by a mad marriage, or to consent to the worse ruin of her life by the

Although it may seem almost incredible, it is a fact that *this is the law of England*, and that it has been defended by learned judges who have successfully opposed efforts made to amend it! Hundreds of poor letter-carriers, who in a moment of temptation have stolen a few stamps or a few shillings, have been sternly sentenced to years of slavery in company with the vilest criminals: thousands of men, some of whom may be sitting in judgment on their fellow-creatures, have with impunity stolen from young girls virtue and happiness, and plunged them into life-long misery and degradation, at an age when the law itself declares they are such children that they are incapable of deciding even how long they should work. England's law has nothing to say to the thief of a child's virtue, provided she be poor. However skilled and experienced may be the seducer, however weak and ignorant may be the child, if only an implied consent is proved, the law justifies the villain. But if the child have property, she receives ample protection as a ward in Chancery. Alas, that it may be said that it is only the

English law, and may be safely ruined! Is it surprising that so-called society so readily condones such offences, when the law declares them to be no crime?

## V.

## CRIME AND ITS PUNISHMENT.

ANY treatise on the influence of English law would be imperfect which did not pass under review the important subject of punishment for crime, in its relation not only to the protection of society but also to the reformation of the transgressors. A careful consideration of this subject is the more necessary since there are few questions on which public opinion has run to greater extremes.

Criminal punishments in England were formerly both cruel and futile, and even as recently as the beginning of the present century criminals were literally treated as if they were no better than savage animals. Outside the walls of Newgate, groups of wretches might constantly be seen hanging side by side on the gallows, many of

them having been condemned to death for such comparatively slight offences as shop-lifting, sheep-stealing, or even the breaking of machinery; while hanging itself was a merciful punishment compared with the fate of those who, escaping the extreme penalty of the law, lingered out their sentences in the loathsome prisons of the time, or crossed the sea in still more terrible convict-ships, which so well deserved the name they had acquired of "floating hells."

On reading descriptions of the criminal punishments of those days, and the trivial nature of some of the offences for which they were inflicted, few minds can fail to revolt at the shortsighted selfishness of a community which could allow such a state of things so long to exist; for while the treatment of criminals was abominable in its cruelty, it was so inefficacious that crime, especially in its most serious aspects, was never so rife as during this period.

Some fifty years ago, society, aroused at last to a sense of the iniquity and folly of its conduct, rushed to an opposite extreme, and having for so long ignored the fact

that criminals were fellow-men, seemed for the time to forget that, though fellow-men, they were also criminals. From exclusively thinking of the protection of the community, it acted as if exclusively interested in the reformation of the criminal. Since then public opinion has fluctuated, now leaning towards extreme harshness, now towards excessive lenity, apparently unguided by any just principle, and therefore continuing only unsettled.

In endeavouring to fix some just principle of criminal punishment, it is necessary to embody the truths contained in both of the views above referred to, and it will then be evident that, in order to be just and effective, punishment must not only be retributive, but also deterrent and remedial. It is true that an influential party opposes the first of these demands, denouncing the idea of retribution as un-Christian, if not inhuman. But this view seems to derive little support either from reason or revelation,\* for even

\* We of course put aside such an interpretation of the words "resist not evil" as would apply them to civil government, a view which no one *practically* holds.



the teaching of the New Testament sternly maintains the doctrine of retribution, and denounces indignation and wrath upon every soul of man that doeth evil; declaring that suffering, in this world or the next—that is, either bitter repentance here or pain hereafter—must needs follow transgression: while St. Paul, referring to the civil magistrate, asserts that “he is a terror to evil doers, for he beareth not the sword in vain.”

The moral conscience of mankind likewise justifies this view. When a great crime is brought to light and the offender escapes; when, for instance, some heartless villain has ruined and forsaken a weak woman, and she, mad with the agony of despair, destroys her infant, and through the imperfection of the law suffers, while he escapes punishment; or when some powerful ruffian maims and injures his half-starved wife or paramour, and through the unjust leniency of his judge suffers only a few weeks’ imprisonment: there is a universal feeling of indignation that justice should have so sadly failed, and this prevails not alone among the persons concerned, but also among those who are in

no way directly interested. This feeling is the natural sense of justice planted in the human heart by its Maker, which demands retribution.

Even Nature in some degree shadows forth the same truth, for the violation of her laws infallibly entails retribution: those who neglect the laws on which health depends, sooner or later suffer retribution in painful sickness; those who ignore the physical laws which govern our world, are taught their error by sharp and bitter pain. Indeed; this universal law of retribution may be urged as antagonistic to the arguments put forward by some against the infliction of corporal punishment even upon villains guilty of premeditated acts of violence; for it can hardly be unjust that those who, abusing their superior strength, wilfully inflict pain and suffering on their fellow-creatures, should undergo punishment in some sort similar to the sufferings they have caused.

It has, indeed, been urged as an objection to corporal punishment that it is in itself degrading—a contention undoubtedly falla-

cious, for St. Paul evidently felt no degradation when five times he received forty stripes save one, and the martyrs, of whom the world was not worthy, far from feeling degraded by their trial of cruel scourgings, counted their scars marks of honour. It is, in truth, impossible for man to be degraded because punishment is inflicted on his body, since degradation is of the soul ; and if a villain be degraded (supposing that possible) by suffering corporal punishment for aggravated cruelty to some helpless fellow-creature, we must seek for the cause elsewhere than in the mere fact that the punishment he receives is bodily—namely, in the feeling that the crime for which this punishment is inflicted is so base that society has cast him out.

It would appear strictly just for the judge to say to a criminal guilty of aggravated assault, You have violated human law by inflicting wilful pain on a weaker fellow-creature ; you must therefore feel what it is to suffer pain in your own body, and as you writhe under its smart be taught to realize what a fellow-creature has suffered through your wilful

cruelty. But while this would be *just* retribution for crimes of violence and cruelty, there would be no such *just* retribution in inflicting corporal punishment for theft and similar crimes, for in such a case the criminal might rightly protest that the punishment was an injustice, since, although in a time of temptation he had been guilty of theft, and in just retribution might be compelled to make restitution by the sweat of his brow, there could be no justice in lacerating his body when he had respected the bodies of his fellow-men.

It must, however, be carefully borne in mind that retribution is, after all, but *one* of the principles that should be taken into account in criminal punishment; and though it is so important that through its being ignored weakness has resulted in the administration of justice, yet it is even more important that all punishments should be both deterrent and remedial: in other words, the great aim should be to deter the offender from repeating, and others from committing, similar crimes. We are here met by a difficult problem—viz., what punishments are the most

deterrent? Statistics are so unreliable that we have little data to go upon, and the subject requires careful examination. It may, however, be taken as indisputable that the punishments most deterrent are such as are most distasteful to the special disposition of the culprits, and probably also that the crime itself often indicates the kind of punishment demanded.

As a rule, the idle swindler and the skulking thief will fear no punishment so much as the enforcement of hard and steady labour. The heartless scoundrel who rejoices in acts of cruelty, and is generally at heart a coward, will dread no punishment so much as the infliction of bodily pain. On this latter point there is strong, though not undisputed evidence, for since flogging was adopted as a part of the punishment for robbery with violence this crime has decreased considerably, and probably the results would have been more decisive had the judges and magistrates carried out the law more uniformly. While writing on this subject it may be added that the want of uniformity and certainty in the sentences of our judges and

magistrates is probably the greatest defect in the administration of justice, and also a great inducement to crime. The knowledge that every offence will certainly, if proved, carry its full penalty, is of the first importance in dealing with the criminal classes. If they feel that there is not only the chance of escaping conviction, but that, if convicted, there is another chance of their crime being dealt with leniently, the deterrent nature of punishment is greatly weakened.

But while the retributive and deterrent elements of punishment should thus be such as are most distasteful to the criminal, when we come to the remedial element, an altogether different method of treatment is necessary; and the disregard of this fact has led to serious evil effects, with respect to both the criminals themselves and the safety of society.

It may be considered almost a truism to say that all punishment should be founded upon the principle of strict justice, which will neither respect the person of the poor nor honour the person of the mighty. With justice in this sense mercy must never interfere,

sideration whatever, would be fatal to its very existence. Even if pity influence the scales there is justice no longer. Such justice, however, must *include* mercy, and in the struggle between society and the criminal the law must take up a position from which it can give due weight to the demands of the injured, and at the same time take into account the circumstances of the wrongdoer.

A few striking facts will illustrate the necessity for this discrimination. Out of every hundred criminals, it was found, in 1880,\* that thirty-three could neither read nor write, and only three and a quarter per cent. could read and write well; and in a Government report we meet with the following suggestive paragraph:—

It is painful to have to say that it is to parental neglect that by far the larger share of the grosser crimes of the present day is to be attributed; in London alone many thousands of children are trained to thieving, dragged up to manhood from the guilt-gardens of our great towns.

Too many criminals have sucked vice into their nature from degraded mothers, whose

\* *Vide* Judicial Statistics.



breasts have at the same time inoculated their physical system with poisonous spirits. They have been taught to steal from their very earliest years, sometimes, it is true, passing an intermediate time in a so-called reformatory school in close association with hundreds of other young thieves, who have been, like themselves, trained in vice. It would be wonderful if under such conditions they should turn out otherwise than a curse to that society which has so neglected them.

In dealing, therefore, with the criminal classes it must be remembered that every principle of punishment that does not include mercy is as unjust as it is cruel. Justice itself demands that, while the law must be vindicated, the nature of the punishment inflicted should be remedial and restorative, and that every effort should be made to reform the criminal and to enable him to return to the community, not only morally changed, but with the power to maintain himself by honest means.

In discussing the question how best to

the motives for the crimes that are committed against society, and these may be divided into two classes, those arising from passion and those arising from covetousness. Under the former are included all crimes against the person, from common assault to murder, where the object is not to obtain property, but rather the gratification of the passions of cruelty, lust, or revenge; under the latter, all crimes, whether accompanied or unaccompanied by personal violence, in which the aim is to obtain the property of others. It is evident that, as these two classes of crime arise from different causes, they require entirely diverse modes of treatment, if the punishment is to be both just and remedial. Besides this, crimes of passion are of course of very unequal degrees of guilt. Some are committed in the haste of the moment, under circumstances of great provocation or temptation; others are of the gravest kind, sometimes perpetrated systematically, or with deliberate malice.

With regard to the former of these classes of crime, it is probable that justice is on the whole fairly administered: but with regard to

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the latter, such as assaults on wives, children, and helpless dependants or planned attacks upon masters, fellow-workmen and police, the case is totally different.' In respect of these the administration of justice, as well as the law itself, is, as has been already pointed out, constantly degraded by the inadequacy of the punishments inflicted, by which no just principle whatever is satisfied. There is no just retribution in the sentence of three or six months' imprisonment passed upon a wretch who has nearly kicked a helpless woman to death, and made her a sufferer for life, nor is the deterrent principle answered any better by such a sentence. On the contrary, the brutal portion of the community are taught by it (and this is a most serious consideration) that the law lightly esteems personal security, that it counts it a greater crime to steal a few shillings than to injure a fellow-creature so long as fatal consequences do not almost instantly result. As might be expected, such offences increase, and the brutality and violence of the dangerous classes are a standing reproach to the English nation.

out just principles of punishment until the pernicious idea which now prevails—and which seems to have been fostered by the traditions of feudal law—that a man's property is more sacred than his person, is dispelled. It is absolutely necessary that we should have more stringent laws and a sterner administration of them, to secure the first object of good government—viz., the protection of the person—and to teach would-be criminals that they who deliberately injure others will have to suffer pain more or less similar to that which they have inflicted, and will not be permitted again to mingle with society till their savage nature has been subdued by suitable remedial treatment.

With regard to the punishments now in vogue, some are still both unjust and injurious, as, for instance, the treadmill, which the old offenders and the strong find comparatively easy, while the weakly suffer when upon it most disproportionate pain, and, from want of skill, sometimes meet with severe accidents. It is also a punishment the reverse of remedial for

if the aim of the community were to make labour utterly distasteful, no surer means could be devised than to connect it with the monotonous, heavy, useless treadmill. Its effect was fairly expressed by a prisoner, who, on leaving gaol said, "Well! I never loved work much, *but I hate it now.*" In striking contrast to such useless treatment is that which a just principle of punishment would dictate, and which the Old Testament prescribed—viz., that "if a thief were taken he should make restitution;" in other words, that the law should require him to remain in prison till he had by hard labour under hard conditions made reasonable restitution. If this rule were firmly enforced, and the rogue made to feel that work he must, whether in prison or at liberty, there would be no need of the useless treadmill, the cruel crank, or any other barbarous punishment.

The idea of obliging thieves to support themselves, and repay the value of their thefts—of course, with certain limitations—is by no means chimerical; several prisons having already been made partly or wholly

self-supporting, and in some cases even remunerative. It is said that one of the chief prisons in the United States contributed a short time back £5,000 a year to the revenue, while several others are nearly or entirely self-supporting; and in England, where intelligent, earnest men have been placed in charge of prisons, considerable amounts have been earned.

The effect of this method of treatment was amusingly illustrated a short time ago. A prisoner on receiving his discharge was informed by the governor, who had during his incarceration enforced hard remunerative occupation, of the amount of money he had earned. "Do you mean to say," asked the prisoner, "that I have earned so much towards your salary?" "Yes," replied the governor, "you have earned for the gaol nearly double the cost of your keep, and so much for me for keeping you at work."\* "Then," exclaimed the man, with excessive annoyance, "I'll take care *you shall never see me here again.*"

\* The prisoner in this instance was ■ exceptionally clever

It is said that prisoners often reflect with a sort of savage satisfaction that they are making the community pay for keeping them, and frequently boast, when in prison, that they have never robbed a man of a day's labour by doing one themselves, and that they never will. They have no higher aspiration than to gratify their animal nature, and they ought to be compelled, unless physically incapacitated, to earn their subsistence, and be taught the value and importance of work by being also enabled, through their own industry, to provide a fund with which to begin the world afresh when released.

Our present system presents a striking contrast to such a wise method of dealing with criminals. It actually contaminates the more innocent, teaching prisoners that time and labour are valueless, and sending forth, on their release, those once convicted ten times more the children of hell than before. The following remarks, which apply entirely to convict prisons, have been gathered from Government reports, from the recommendations of Commissions of inquiry, and from the professed



experiences of men who have undergone penal servitude, their statements being to a great extent confirmed by the reports of chaplains, governors of prisons, &c.:—

The first evil of the present system is the want of classification. All convicts are now sentenced to at least five years' penal servitude, which by good conduct they can reduce by about nine months. The first nine months are passed in solitary confinement, after which the prisoners are removed to convict prisons, and are indiscriminately associated with the other inmates. The atmosphere in which they are then placed is thus graphically described by one who lived in it:—

The majority of the old convicts are entirely irreclaimable. They are so vile, so filthy, that no reformatory system would have the slightest chance of inspiring their accursed natures with one pure thought or honest aspiration. They are dead to all sense of shame, and have all the same leery look of unmistakable cunning. For the most part, they have been educated in penal schools, and after emerging from reformatories, have graduated under the Ægis of those licensed dens of infamy, the public-house and the gin-palace. I am not exaggerating. I solemnly declare that whatsoever things are filthy,

whatsoever things are hateful and fiendish, if there be any vice and infamy deeper and more horrible than all other vice and infamy, it may be found ingrained in the character of the English professional thief. I have not quite done with them. They profess ■ deep contrition whenever the chaplain approaches them, and express a deep desire to partake as often as possible of the sacramental wine.\*

This professional class contributes by far the largest number to the convicts, and is the ruling power, the reigning influence, the active spirit of every prison. The remaining inmates are of very various characters. Among them are educated men who have committed one wrong act ; others—a large class—who have committed offences under the influence of drink ; there are also ■ few unfortunates whom poverty has forced into crime ; and besides these there are many very young men who ought never to have been sent to a convict prison at all. Numbers of these various classes enter prison mere novices in crime ; but, whatever may have been their previous character, they are thrown for some years into the closest association with habitual criminals, are sent on to the public works,

\* "Five Years' Penal Servitude." Bentley & Son.

or into the schools, the tailors' or shoemakers' shops, and are thrust into the closest communion with the abandoned villains whose characteristics have been already described. Practically, the present system binds them as apprentices for three, five, or seven years, to learn the trade of law-breaking, and during this period they are under the influence, tuition, and example of miscreants who, from the cradle to the grave, exist upon pillage and plunder. By these men they are initiated into all the tricks and dodges by which, during their incarceration, they can evade the prison discipline or elude work, and at the end of it can enrol themselves in the great army of professional thieves. They enter prison mere tyros in crime, and by the fostering care of the Government they may, upon their discharge, be safely pronounced thoroughly qualified for the career of habitual criminals.

This association extends to every portion of their prison life. During school, the young man bred in the city, the ignorant countryman, the novice in wrong-doing, sit shoulder to shoulder

not the most remote intention to learn, but who attend school as an excuse to get out of their cells, and for a change of scene. While pretending to be mumbling their lessons, they are engaged in ribald chat, in disgusting conversation with their neighbours; or else, if they are silent, are making filthy and licentious drawings on their slates. Again, in the work-room, there may be fifty old thieves, each with one or two youths, beginners in crime as well as in shoemaking, under his instruction. What the apprentice learns may be easily guessed; it is not to make shoes or garments, but a more easy, if not a more excellent, way of obtaining money. Sitting in such close proximity, conversation among the prisoners is, of course, practically unchecked; and the peculiarly gross immorality and obscenity universal among old thieves can hardly fail to do their evil work in forming the character and habits of the new beginners in vice.

It may, perhaps, be urged that the convict-prison regulations and the supervision of the warders are sufficient to prevent such evil

themselves are far from immaculate, as is proved by the numberless cases of conviction for breaches by them of prison rules. Far more serious charges have, however, been brought against many of them, and, in not a few instances, it is to be feared with justice. Moreover, to a certain extent they are afraid of the habitual criminals. It requires a man of great moral courage to do his duty under the present regulations, as any warder acting strictly in performing his duty becomes the object of a conspiracy, and often of a savage attack when off his guard. The writer previously quoted from says :—

There is a tacit understanding between the old thieves and many of the officers who have them in charge. Badly paid, these warders are often open to bribery from the friends of the thieves, and in return allow the convicts as much latitude as is compatible with safety, while, to get up a fictitious character for vigilance, and to earn promotion, they continually report some of the men obnoxious to them—often the least vicious and most industrious of the gang—whose constitutions are ruined by the constant infliction of bread-and-water punishment. While the old thieves have an easy time, recruit their health in anticipation of a new lease of criminal life, and the warders maintain a reputation for

The usual topics of conversation amongst the convicts are the art of thieving, the cause of failure in daring burglaries, the newest invention for picking locks or opening safes, the most recent dodges for successful robberies at railway stations, the most eligible districts for shop-lifting. The novice is also instructed in the secrets and mysteries of the craft, the different machinery for procuring false evidence, and other dodges for evading the law. The language of the criminals is utterly abominable, and the more revolting it is to decency the more it is enjoyed, not only by their companions, but by many of the men selected by the authorities to superintend the labour and assist in the reformation of the convicts.

In order to improve the present system, and to carry out any just principles of punishment, the following changes are urgently needed. First, and most important of all, is the necessity for strict classification.\* It has been shown that the inmates

\* The Government Report on Prisons, 1879, pp. 215-18, fully bears out this view as to the necessity for better classification.



of our convict prisons belong to various classes, the most numerous of which is that degraded and almost irreclaimable class of habitual criminals, into whose society and association, and under whose influence all other criminals are forced, although, it may be, the latter have been convicted of comparatively venial crimes, or of crimes committed under the influence of drink, poverty, or all but irresistible temptation. Hence it results that those who are the least guilty are the most heavily punished, because that which is severe punishment to the novice in crime is little felt by the habitual jail-bird. But, further, the system favours the initiation of beginners into every kind of trick, deception, and crime, and their enrolment, under the influence and tuition of their elders, as able recruits for the army of professional thieves. Nor can this evil be prevented so long as there is *any*

The Rev. John Clay (many years Chaplain of Preston Gaol) says :—“To make a clear distinction between incidental and habitual offences is the first thing needful in a vigorous administration of the criminal law;” and he adds :—“The great majority of provincial convicts are not systematic criminals, but rather incidental offenders, who have been impelled to criminal acts under the stimulus of drink.”



opportunity for association; that is, so long as convicts are organized into gangs, and allowed to walk together, to work together, and to receive schooling together. As regards re-convicted felons little alteration is required, since they may be considered incorrigible; but they should be compelled to work harder and their opportunities for conversation should be reduced. With respect, however, to those who are undergoing their first convict punishment the case is altogether different. A large number of these are perfectly reclaimable, and the convict prison should be made a school to redeem, instead of, as at present, a means of irretrievably damning most of those who come under its influence for the first time.

A reduction of the sentences of prisoners on their first conviction from five to four years might be tried; or, better still, they might be enabled to shorten their terms of imprisonment more than at present by study, industry, and good behaviour, with this provision—that the whole period of their first conviction should be passed in separate confinement, and that during the whole of this

they should neither mix with nor be influenced by communication with other criminals. Those who are ignorant should receive instruction from properly qualified schoolmasters *in their cells*, and all should be taught some trade;\* while, as an incentive to industry, each prisoner should clearly understand that the amount of money he will receive on his discharge will depend entirely upon the work done by him. In order to preclude any chance of ill effects from separate imprisonment, properly qualified visitors, either voluntary or deputed by the various religious societies, should be allowed to visit the jails and to strive to influence the minds of the prisoners; and a more careful selection should be made of prison officers, who need to be better paid and better supervised, to secure that the rules of the prison are not violated.

With regard to the latter point Sir Edmund F. Du Cane, K.C.B., Chairman of the Commissioners of Prisons, observes :—

\* It may be urged that this would involve undue expenditure, but those who realize the cost to the community of each habitual

The importance of selecting good officers for prison duties cannot be overrated. The officer who is in charge of prisoners has such *power, for good or evil*, over his fellow-men, that I do not think there are many positions more responsible than that which he occupies. Nor, on the whole, are there, I think, many in which the officer is exposed to more temptations to neglect his duty, or abuse his trust.

And the Rev. John Clay says :—

The Governor has to trust entirely to the warders. With many of the prisoners he never speaks, from the time they enter, to the time they leave the prison. In fact, the “great object of reclaiming the criminal,” concerning which the regulations of the Home Office so solemnly warn all prison officers, is left almost entirely for the warders to accomplish. The importance of their office is therefore very great. They should be men endowed with divers notable qualities.

Hence it is of the utmost importance, firstly, that the warders should be selected from amongst men of moral and religious character ; and secondly, that the governors and chaplains of prisons should direct special endeavours to the guidance and training of the warders, and not of the prisoners only.

The universal testimony of those qualified

indicated almost all except those who may be ranked as the hereditary criminal classes might be reclaimed ; a result which would not only produce an immense saving to the community, by making honest men of those who would otherwise spend their time between preying upon society and being supported by it, but would also restore to the ranks of labour and useful life thousands upon thousands who are now being made habitual criminals by the unwise treatment they experience when under punishment for their first offence.

The full cost of convicts to the country has never yet been made known, for a large and unfair charge is made on the War Department for their labour, and included in the Army Estimates : a charge which, if there be any truth in the reports of those who have had opportunity of judging, is twenty times the value of the labour performed.

It is a terrible indictment to bring against England's governing classes, but unhappily it is one only too well borne out by facts, that the criminal law, as at present administered, does comparatively very little for the

reformation of criminals, but much to swell the ranks of the habitual criminal class.

The following extracts are from the Report of the Royal Commission on Convict Prisons, 1879:—

Sec. 72.—The existing system of penal servitude . . . not only fails to reform offenders . . . but produces a deteriorating effect from the indiscriminate association of all classes of convicts on the public works.

Sec. 73.—It cannot be doubted that prisoners are exposed to the risk of contamination during this stage of their punishment.

Sec. 74.—In spite of all the precautions taken by the prison officers, communication can to a considerable extent be carried on between prisoners working in association. . . . The less hardened, and especially the younger convicts, must in some instances become confirmed in crime by the evil advice and conversation of men who have spent their lives in defying the law.

Sec. 75.—In Belgium criminals are subjected to cellular imprisonment for much longer periods (than three years) and it is said, without injury : . . . and it does not appear that prisoners have suffered unduly from imprisonment in the county and borough gaols. . . . sometimes extending to two years. Upon the whole, we are of opinion that, with certain relaxations during the latter part of the sentences, such as longer hours of exercise, more frequent schooling and visits from chap-

lains and scripture-readers, more books and more time allowed for reading, more frequent communications with their families by letters and visits—all of which, however, it must be borne in mind, would materially diminish the severity of the punishment—prisoners might be confined in separate cells, without serious risk, for as much as three years.

## VI.

ON THE UNCHARITABLENESS OF  
INADEQUATE RELIEF.

**A**S a sequel to what has been said in relation to the ill effects of the present administration of the Poor-Law, it may not be inadmissible to add some remarks on the necessity for careful discrimination in the bestowal of all relief of the poor, whether such relief be given by the Poor-Law authorities, by benevolent societies, or by private persons. If any relief is to be beneficial, not only must it be bestowed after thorough examination, but when given, it must be adequate: in fact, the bestowal of inadequate relief is no charity. And here we open that important question—How is it possible to relieve want and destitution without causing moral harm to the recipients themselves, to the community, and in the end



ever-increasing destitution and suffering? In considering this important subject it will be necessary to enter somewhat into the question of unnecessary or disserviceable as well as of excessive and indiscriminate relief, not only as regards that relief which is given by the law, but also that which flows from the benevolence of individuals. It is impossible to separate these two, as they are so closely connected together, and both have the same end, professedly that of charity.

Those who have made a study of words, know how sadly many have become degraded from their original signification, and, moreover, are aware that this degradation is often fraught with serious moral effect. Such a change has taken place in the case of the word "Charity" — once the embodiment of all that was beautiful — which contained a meaning that St. Paul himself failed, in one of his most eloquent passages, adequately to express: a meaning, indeed, which can only be fully fathomed by the study of the life and character of Him who first introduced true charity upon earth by giving Himself to

The word "Charity" has now become so degraded that it bears an almost odious meaning to those who have studied social questions deeply. On hearing it used, there rise before the mind pictures of pinched-faced charity children, crowded together in some uncomfortable corner of a city church, or being paraded in a semi-pauper dress before the eyes of self-complacent wardens; or of a crowd of beggars striving to excite sympathy and elicit alms by exhibiting manufactured wounds and unreal ailments; or, at the best, as in a well-known painting, of a little Lady Bountiful, dressed in costly silks, on her way to church, dropping a penny into the hat of a ragged beggar, who, with a little girl about Lady Bountiful's own age, but whose appearance presents a painful contrast, solicits alms by the wayside. The scene is well painted, and very little imagination is required to complete the story. The little Lady Bountiful goes on her way to church with a feeling that she has been very kind and very good; and when all likely almsgivers have

back to mope in some squalid den, while the alms, so foolishly given, are speedily squandered in drunken debauchery. In short, the use of this word "charity" suggests such a mass of hypocrisy, idleness, and profligacy, that the mind of every true philanthropist on hearing it is bowed down in sorrow and dismay.

But charity, in its true sense, is that loving influence which constrains men and women to sacrifice their own ease and pleasure, as well as their money, not for the gratification of selfish emotion, but in order that they may enter into the real need of the sufferers, and do for each case what is really best, even though it necessitate the infliction of pain, both on their own hearts and on those whom they strive to help. Uncharitableness is the reverse of all this. It is exhibited, not only in the neglect of the poor, or in the hoarding of the miser, but also when the emotions of the heart are relieved by indiscriminate almsgiving. It includes everything that is selfish, careless, and unchristian, even benevolent works undertaken in a selfish spirit. Its effect cannot be better described than in the

cynical epigram of the French, which falsely asserts of charity that it "creates one-half of the misery it relieves, but cannot relieve one-half of the misery it creates."

Having thus defined the meaning of the word "uncharitableness," there remains the definition of the phrase, "inadequate relief;" and for this purpose it is necessary to consider who are the proper recipients of relief. They are, without doubt, all those who, from misfortune, or even from past faults, have fallen into such a condition of helplessness as prevents them from providing sustenance for themselves or those dependent on them. Among these are orphan or deserted children, men or women who have been rendered destitute by sickness or accident, artisans out of work or compelled by necessity to dispose of the instruments of their trade, men and women who have lost their character, and with it employment: in a word, all the individuals of that vast mass of suffering poverty, not actually resulting from present wrongdoing, which swells and surges around us, are more or less proper objects of relief. And if

the term "adequate relief" may be very easily understood. It is such assistance as will place a person, when fallen, in a position to rise again; if with a lost character, in a position to retrieve it, and in the future honourably and honestly to support himself and his family.

With this explanation, the truth of the assertion is evident that to relieve any necessitous person inadequately is no act of real charity, but the reverse.

To illustrate one phase of the subject, let us take the case of a destitute orphan child. If we relieve it inadequately, stint it in its food and education, clothe it in pauper garments, and allow it to remain among pauper associations, it can hardly fail when it arrives at man's or woman's estate to be defective in body and degraded in mind—a pauper in heart, and probably the progenitor of a race of paupers. But if, with wise charitableness, we separate it from pauper influences, supply the body with ample nourishment, the mind with sound education, and train it to habits of industry, we shall have recovered a life from degradation. It may almost be said, in

soul from death ” and “ covered a multitude of sins : ” the world will be saved from one more individual degradation, and the multitude of evils or sins resulting therefrom.

Take another example : the relief of a man who has been thrown into poverty by want of work. To bestow upon such an one a dole leaves him very much where he was before. When this is spent, far from being the better for the gift, he is worse, for you have given him a taste of the luxury of eating the bread of idleness—a lesson, unhappily, only too speedily learnt—and have therefore done him an infinite amount of harm. But if his case be carefully inquired into, suitable work found for him until permanent employment is obtained, sufficient support being meantime provided to sustain his health : then, this action is not only a true fulfilling of the law of love, but is true economy.

Probably among the greatest causes of the misery and vice that abound in this country may be reckoned the mistaken view that has been taken as regards the administra-

and lavish bestowal of alms by the benevolent. It is almost impossible to conceive how far the direct and indirect results of these evils extend. If, as has already been stated, the English workman squanders his means in times of plenty, and makes no provision for old age, it is greatly owing to the fact that he has been taught that the country has provided legal sustenance for the destitute, irrespective of desert, and that there are numberless soft-hearted people ready to supplement it.

An illustration of the great harm done by the lax administration of the Poor-Law was strikingly afforded by a report recently published of a parish in which 1,339 persons were on the Poor-rate, costing the ratepayers no less than 6s. 7d. in the £, while, in a neighbouring parish, the conditions of which were very similar, and the population almost equal, there were only 150 paupers and a Poor-rate of 2s. 3d. in the £. In other words, in the first parish, 1,189 persons who ought to have been supporting themselves were living wholly or partly at the expense of their neigh-



A worse evil, if possible, is produced by indiscriminate voluntary relief; a striking proof of which was afforded in New York in 1873, when that city suffered for a time under great commercial depression, causing a most unusual amount of distress. Despite the warnings of the experienced, a large number of soup-kitchens and free lodgings were opened, with an effect which was thus graphically described by one present at the time:—

The superabundance of relief attracted into the city the floating mass of vagrancy, the beggars and paupers of the whole State; the streets swarmed with them; ladies were robbed, even on their own doorsteps; drunkenness greatly increased; the lodging houses overflowed; the evil rapidly spread; labourers on the farms in the interior, although receiving good wages, forsook their work and left the farmers without hands; houseless girls, avoiding the homes where labour was required of them, lodged in the free lodging-houses, obtained free meals, wandered in the streets at night, and, as a result, large numbers of them were enticed to ruin.

Again, at Darlington, in 1879, owing to the depression in the iron trade, many persons were thrown out of employment, and much real poverty ensued. But exaggerated

large processions of claimants paraded the streets, and the Guardians were almost besieged. They invoked Government advice, which was given, and it consisted in this :—  
“None must starve; but apply the workhouse test.” This was done, and the *Leeds Mercury* (Sept. 22, 1879) gave the result as follows :—

Since that period very little has been heard of the distress in Darlington. What has become of the 1,500 or 2,000 people who were said to be starving nobody knows. Certainly they are not in the workhouse. There are no longer long processions in the streets, nor appeals to the Guardians. Yet the Relief Committee give no help beyond what may be required to pay the railway fare of persons who want to go elsewhere.

It would be easy to bring forward numerous similar cases, but these amply illustrate the evil effects of careless or indiscriminate relief, whether given under legal authority or voluntarily. It hardly needs to be pointed out that if, in the parish before referred to, only the really necessitous had been relieved, and that adequately, the idle would have been forced to work, thus increasing instead of diminishing the country's wealth. Again, had the philanthropists of New York provided

grate to other localities where work was more plentiful, at the same time strictly refusing alms to vagrants and professional beggars, the result would have been truly charitable; whereas the course pursued enticed thousands into ruin and profligacy, and did infinite harm.

But it may be objected: A certain condition of things exists around us, and the extreme of poverty and suffering that abounds is a national disgrace and a reproach to the Christianity of wealthy England: how is it to be dealt with? To this the first answer must be that this condition of things certainly does not arise from a want of sufficient pecuniary relief, since there are not only over 800,000 persons now supported by the Poor-Law, but it is calculated that, in London alone, from £4,000,000 to £5,000,000 are yearly expended in so-called charity. It is evident, therefore, that we must seek a solution of the difficulty, not from increased relief, but from its bestowal in a different and more satisfactory manner.

in increasing destitution by the production of a pauper spirit has been already referred to. It is well known that numbers, even of well-to-do artisans, are not too proud to waste in drink and other luxuries the ample wages they receive in good times, and at the first pinch of poverty to encourage their wives and children to obtain alms from the benevolent ; while amongst the classes immediately below these, a large proportion look upon relief from religious societies and benevolent people almost as a right. Hence the existence of so little provident forethought, so little self-denial, so little anxiety to make the best of good times, so much lavish expenditure in self-indulgence. Moreover, employers of labour suffer immense loss by the refusal of these very mendicants to exert themselves to meet the urgent demand for labour when trade is brisk and when they might lay by amply for times of depression. There is, indeed, no more independent workman when labour is plentiful than the one who is most ready to seek assistance when it is scarce. The Poor-Law and unorganized charity have, between

When the Marylebone Charity Organization Committee was formed, a notification was placarded, intimating that the old charity *régime* was over, and that no relief might be expected during the coming winter without thorough investigation. The secretary of a working-men's provident club, on an attempt being made to explain the scheme to him, said: "I may not fully understand your intention, but one thing has struck me very strongly — that ever since your placard appeared on the walls, contributions have come tumbling into our club in a wonderful way. Clearly a good lot of my mates have taken the hint."

In the book from which the above incident is taken,\* appears also the following report from a City Missionary, of the demoralizing influence of unwise almsgiving:—

Two ladies, apparently sisters, were wont in a quiet way to visit a depraved family in ■ court in my district—visits always accompanied with relief. Prior to the fatal settlement of this family, the occupiers of the court were fairly sober and industrious, and open to religious visitation. But observing how much better the *protégés* of these two bountiful ladies thrived, they became discon-

tented ; and as filth and rags appeared to be the stepping-stones to relief, quickly rendered themselves eligible. In a wonderfully short time the whole court rejected religious ministrations, which brought no alms, and became a nest of squalid vice and drunken pauperism.

To return to our difficult problem—the relief of distress without these injurious effects—it must first be noticed that destitution may be divided into three kinds and should be met by three distinct organizations.

First of all, there is the poverty which falls through misfortune upon members of churches and religious communities. The relief of this would appear to belong exclusively to the churches themselves. Any religious community which does not provide for its own poor—that is, for those who, in happier times, have consistently maintained a religious confession in communion with it—stands self-condemned. The relief of such is the special business of the pastor and officers of the church ; and if any poor member is suffered by them to fall into such want as to be compelled to apply for extraneous



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of want of brotherly love, has denied the Christian faith, and is worse than infidel. Not even here, however, should the great principle be relaxed—a principle essential “If the administration of all true charity: to any man *will not* work, neither shall he eat.”

If this consideration were carefully kept in view, it would tend to do away with the unwise jealousy with which Associations for the Organization of Charity are regarded by some of the clergy, as though they trenched on their own peculiar work. It is the clergyman's peculiar work to look after the poor members of his own Church, but it devolves equally on all Christian and philanthropic men and women to work together for the elevation of the masses and the relief of the general poverty. The undertaking of general relief by ministers, evangelists, and district visitors has been, and always will be, a hindrance to the spread of the Christian religion. It not only produces a lamentable amount of hypocrisy and deceit amongst those seeking alms, but raises in the minds



of the working classes a prejudice against religious visitation, which they instinctively connect with unworthy patronage and base deception.

Clergymen and evangelists who visit the poor with a Bible in one hand and an alms-bag in the other, little know the difficulty they put in the way of the artisan attending a place of worship. There are not many who can bear the taunt which is pretty certain to be thrown at them by their comrades: "Oh! you are beginning to go to church, are you? *What do you expect to get by it?*"

A respectable working-man once said to the writer of the book already quoted:

I don't want any charity; but there's our own foreman, with £3 a week, and only two children, who are always in rags, and his wife constantly in and out of the public-house. When she was took ill, the people of — Church came to see her. My stars, didn't they go it! Such chicken broth! Several of my mates have took up with that church since that chicken broth. But then, you see, when my children were ill, the visitor comes in, and when she sees my place look neat and home-like—as I have made myself a bookcase and a little furniture, and bought a bit of carpet—"Oh," she says, "I am glad to see you so comfortable and that you

in my district ;” and then she goes away to the people next door, one of the worst ■■■■ of drinking on the sly in the whole place. My wife says to me, she says, “ I didn’t want their charity ; but it’s very hard and hurtful to the feelings to see careless, drunken people get money because they live like hogs.” Many o’ my mates call it “ dirty charity.”

Looking at it in this way, it is not surprising that they reject the religion which they associate with it.

A large portion of the remaining poverty is the proper object of relief through the Guardians by means of the Poor-Law. It is not necessary here to enter particularly into this subject, which has been already considered, but in this, as in all other systems of relief, it is essential that what is given should be suitable and sufficient : to destitute children, food, education, and associations which shall completely break off their connection with pauperism ; to able-bodied persons, such relief, and given in such a way, as shall both enable and induce them to relinquish it as speedily as possible ; to the aged, such maintenance as shall prevent their life being a misery to them

distinction should be made, and that equal advantages should not be given to the drunkard and profligate, whose last home is naturally the workhouse, with those given to the hard-working, deserving poor, who, having worked till they could work no longer, and starved till they could starve no longer, to keep free from the "House," find themselves at last in extreme necessity.

One very difficult problem remains—viz., how to deal with the case of widows having children. The present system generally is to give a small weekly dole, partly in food and partly in money, and this is utterly wrong as well as cruel, for the result is to form a centre of pauperism in the district, and to keep the families in that worst of all positions, on the verge of destitution—insufficiently clothed, insufficiently fed, insufficiently cared for. These children are the most difficult cases the School Boards have to deal with, and there is no doubt that such unwise treatment is one cause of the startling fact that, out of 5,567 boys who presented themselves in one

than 4,410 proved on examination unsuitable on account of an unsound constitution, liability to fits, or inability to read or write. The conviction of the writer, formed after considerable reflection, is that the way to meet this difficulty is to send the elder children of those able-bodied widows who need parochial relief to the district schools, leaving with the mother only such as she herself can well and sufficiently maintain by her own labour, but at the same time giving every facility for such intercourse between the parent and the children as shall keep up the family affection.

To pass to the third division, that great mass which may be described as semi-paupers, those who, when not actually receiving Poor-Law relief, are ever hovering on the verge of it, and upon whom the greater part of the £5,000,000 said to be yearly bestowed in charity in London alone, is probably wasted, or ten times worse than wasted. It has already been pointed out how excessive is the evil arising from much of this almsgiving; how it enervates

instead of to welcome any extra work in times of pressure ; how it renders them independent towards their employers when trade is brisk, and willingly dependent upon alms when work is slack ; how it destroys the influence of Christian visitors by connecting almsgiving and evangelization together, making hypocrites of those who, through a profession of religion, hope to obtain money, and inducing those whom we most desire to win to refuse religious visitation, lest they should be thought to be seeking for charity ; how its tendency is perpetually to drag down the working-classes ; how it is the source from which profligacy, drunkenness, and nearly all the vices which infest our large towns plentifully flow.

But how are we to deal with this evil ? We cannot leave those apparently in the extremity of distress unaided ; yet, if we yield to our feelings and assist them without careful discrimination, nine times out of ten we injure the recipient, and are guilty of a crime against society. It is a difficult problem, but fortunately it has already to a great extent

Dr. Chalmers first showed the way in St. John's parish, Glasgow, where, in ten years, he reduced the amount of relief given from £1,400 to £190 yearly, with great advantage to the whole community. The township of Elberfeld, following the same method, in twelve years reduced the number of paupers from 4,800 to 1,800, notwithstanding that during that time the population increased from 50,000 to 64,000 and great commercial depression existed.\* The system adopted in each place was similar to that which is recommended by the Charity Organization Society of London, and the principles are these: repression of vagrancy by a strict enforcement of the Vagrancy Laws; a thorough investigation into every case where relief is applied for; and when the case proves deserving, the bestowal of relief that is both suitable and adequate—such as will enable the recipient to rise from the position into which he has fallen.

\* The recent accounts from Elberfeld are, however, less satisfactory than the earlier ones, in consequence of relief having been made too easy, by being given unconditionally and without suff.

It may be asked by what means such a system is to be established and carried on. The writer's own experience may show both what is necessary in order to form a Charity Organization Committee and the good that can be effected by it.

The neighbourhood in which the experiment was tried was at the time infested with beggars to such an extent that ladies returning home on winter nights were frequently insulted at their own doors, while in an adjacent district there were nests of undoubted impostors. Two or three gentlemen formed themselves into a Committee, sent out circulars to all the householders in the neighbourhood asking for subscriptions, and supplied them in return with a number of tickets to be given to beggars applying for alms, with the assurance that any one bearing such a ticket would, if in extremity, be immediately relieved, his case thoroughly investigated, and, if found deserving, adequate assistance would be given. A charity officer was appointed with instructions to put himself in communication with



the charitable societies in the neighbourhood.

The result was magical. Within twelve months the streets were completely freed from beggars, the impostors forsook their haunts, while the strictest investigation found no case of a deserving person in real distress. The action of the Committee was, if anything, liberal, for, during a severe frost of eight weeks' duration, it distributed money to the extent of from £18 to £25 per week, but so thoroughly was every case known, through the charity officer or by the members of the Committee, that within ■ fortnight from the breaking-up of the frost only 5s. per week was being given away in relief.

A reproach was, indeed, brought against the Committee, which may be noticed, as a similar foolish complaint is very often made against such institutions, that the total amount of money relief given in one year was only equal to the charity officer's salary. It must never be forgotten that the truest charity is to prevent the demoralization of mendicancy, to compel the idle to become industrious, and assist

them to obtain work ; to make the improvident become provident, by the knowledge that if they lavish their earnings upon self-indulgence, when hard times come there will be no indiscriminate relief to fall back upon. Every penny that *might* have been expended beyond what *was* actually given would have been disserviceable and harmful, while the fact that the Committee employed a superior man to investigate the cases, ensured that those who really deserved help would obtain that which they needed.

A properly organized Association, while it shrinks from giving a single dole which cannot adequately relieve but may injure the recipient, will not hesitate to expend large sums if thereby the individual can be helped to independence. That this principle is generally carried out is shown by many cases which have recently come before the writer in regard to the work of some of the Charity Organization Societies in different parts of London, a few of which will illustrate the treatment required.

First, there is a case of a widow with five children, who had set up a little shop

and been ruined by it. She was, at the time the matter was brought before the St. Pancras Committee by a School Board officer, earning only a few shillings by her needle, and utterly unable to support her children. A gentleman, being informed by the Committee of the circumstances, placed one boy in an orphanage; a girl of six years was sent to a home in the country, £10 being paid by the Committee for her admission; and as the mother's health appeared to be giving way, her eyes being so affected that she was unable to sew, the Committee sent her to a convalescent home for a month, and on her return, much improved in health, a sewing-machine was obtained for her. She has now plenty of work, and her eldest boy is earning 6s. a week as a box-maker. By this help the whole family was rescued from poverty, and placed in a condition of self-support.

Another case, that of a man in great distress from want of work, was sent by a School Board officer to the Poplar Committee. Boots and clothes were given to two children, the mother and her infant were

work having been found for the man, he was enabled to make a fresh start.

Again, ■ deserving man, found in great distress from being without work, was referred to the Islington Committee. He had belonged to a Benefit Society, but had been unable to keep up the payments. His goods were mostly pawned, and he was in debt for rent. £2 2s. 10d. was expended to tide him over his difficulties, and he was assisted to obtain work. This help has been the means of putting him and his family on their feet again.

These are only a few of many similar cases, records of which the writer has before him, that have been adequately relieved by these Associations, and nothing is wanted but a complete extension of the system (thoroughly carried out by wise heads and loving hearts, every district being reduced to workable limits and well cared for) to solve the great problem of adequate and beneficial relief, to produce a marked change for the better amongst the poorest classes, to make them more industrious, provident, and it may be even virtuous: thus reducing the amount

of destitution, and at the same time adequately relieving that which may still remain. This can, however, only be accomplished by philanthropic and religious persons acting resolutely, and, at whatever cost to their own feelings, setting their faces against indiscriminate almsgiving, and in sufficient numbers rendering personal service. Let the clergy of all denominations join in this grand work, and, instead of being themselves almoners and making their visitors such, let them co-operate heartily with Committees formed for this purpose, on which they should be largely represented, and where they would be warmly welcomed. They will thus ensure every benefit which now flows from their bestowal of relief, without the great harm caused by the present mode of distribution.

In conclusion, I repeat that no systems—no organizations—no associations can of themselves do the true work of charity. It must be accomplished by a combination of heart and head, and through willing human hands. The mistake that has been made in

the past has arisen from the belief that charity consisted in merely relieving your neighbour's wants ; while benevolent people have not recognized the fact that if relief is to be given without injury, it is absolutely necessary that the giver must sympathetically enter into the feelings of those whom he desires to help, and must, if we may so speak, become, after the example of our great Exemplar, one of them, bearing their woes and carrying their sorrows in order that he may be able at once both to supply their needs and elevate their characters. Christians should remember that, by the very name they bear, they are pledged to this work,—

“ And men who work can only work for men,  
And, not to work in vain, must comprehend  
Humanity, and ■ work humanly,  
And raise men's bodies still by raising souls.  
‘The man most man, with tenderest human hands,  
Works best for men, ■ God in Nazareth.”

## APPENDIX.

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### I.—SOCIAL INFLUENCE OF THE LAW.

#### *Pauperism in New York State.*

The following striking passages are taken from the *New York Times*:—

The State of New York Board of Charities, of which Professor Dwight is the President, has issued its fifth annual report. The duty of this Board is to inspect the public charities of the State and make such recommendations to the Legislature as they deem best on their management. Few who have not studied the subject can have an idea how broad is the field of work of our charities receiving aid from the State. Their property interest is enormous, amounting during the past year to 20,450,272 dols. of real estate, and 3,727,602 dols. of personal property. The aid they received from the State Treasury reached the sum of 1,635,558 dols., and from municipalities the large amount of 3,341,762 dols., while their total annual receipts ■■■■ 7,832,902 dols., and their expenditure 7,259,568 dols. The whole number of persons in these institutions during the year was 92,741;



receiving outside free medical and surgical aid, 294,364; and the number under gratuitous educational training, 70,339. In the county poor-houses alone there were during the year 18,933, and in the city institutions 39,286 persons. The houses of refuge trained and sheltered 5,619 of our youth, the Catholic Protectory containing much the largest number—2,380. Of idiots, 681 were specially cared for, and of inebriates 315 in the Binghamton Asylum. The number of deaf and dumb instructed and relieved was 714; of blind, 549; of insane, 5,073. [The population of the State approaches 4,500,000.] The report of Professor Dwight in regard to the management of our county poor-houses contains suggestions of the highest value. It is well known that when this Board began its labours, the condition of these misnamed houses of charity was shocking in the extreme. There was but little classification, and one of the most terrible diseases which can afflict a civilized community began to break out here in our rural districts—*hereditary pauperism*. The Secretary of the State Board visited one almshouse in Western New York where four generations of females were prostitutes and paupers. Even at this time, in the Westchester Almshouse, there are two or three generations of paupers. The first great step of reform was the classification of the insane, and the withdrawal of large numbers from the country poor-houses and the placing them in the State Willard Asylum, on Seneca Lake. Still another important measure was the separation of the pauper children in Broome County and several adjoining counties from the almshouses, and placing them in an institution near Binghamton, called the Susquehanna Valley Home. This wise measure should at once be imitated in all parts of the State. A poor-house is no place for children. They catch the bad habits of the institution.

and they grow up lazy and dependent. There is no excuse in this country for retaining a single child in a poor-house. The demand everywhere for children's labour is beyond all supply, and thousands of homes are open to shelter and instruct such unfortunate children. We trust that an Act will pass during this Session of the Legislature requiring the superintendents of the poor in the various counties to place their pauper children in intermediate houses like the Susquehanna Valley Home, which Institutions shall be under State and private management. Every five counties should be allowed ■ "Children's Home," and the counties need not be required to pay any more for the support of the children than they do now. Then each home should be required to place out very carefully every sound pauper child after ■ six months' residence. Professor Dwight also recommends, very wisely, the establishment of "Industrial Almshouses." Our county poor-houses are now full of able-bodied paupers. Each winter they sail in there for harbour. They ought to be made to support themselves. As it is now, the county paupers of the State only pay one-fifth of their cost, or about 32,342 dols. If State workhouses were established these county able-bodied paupers could be separated, classified, and made to earn their living. Then the county houses could be limited to the sick, aged, and helpless. All that considerable class, moreover, who commit minor offences, and are put for short periods in county gaols, ought to be placed where they would support themselves, and at the same time learn some useful branch of industry. At present ● these petty criminals spend their time in complete idleness in the county gaols, and go out worse than they entered. To improve this class, there should be a sepa-

magistrates could commit them to these workhouses, and for longer terms than is at present the custom.

### *Dwellings of the Poor.*

The subjoined evidence was given before the Commission to enquire into the employment of children, young persons, and women in agriculture.

A witness from Chapel Brampton (Northamptonshire) said :—

I have known cases of one, and sometimes two married daughters living with their husbands in a small cottage with their father and mother and grown-up brothers and sisters. I was in a cottage a few days ago, which measured 16 by 18 feet, in which lived an old man, 84 years of age, his son and son's wife, and eleven children.

Another witness said :—

Anything more deplorable than the way in which large masses of the population in the neighbourhood of Newent are housed cannot be conceived. The state of their homes tells upon the whole physical condition of the people. Many of them never wash; the flannel under-vest is perhaps only taken off when it is worn out.

The following is the description given by a witness of the state of things in Bishop's

The houses are deplorable. The majority have only one bedroom; and as some will keep their girls at home, in some cases grown-up boys and girls are sleeping in the same room. It is not at all an uncommon thing for a bolster to be placed at each end of the bed, so that all the family sleep in it, with their feet towards the middle. On a recent occasion, the vicar, going to baptise a child, found five or six children in a bed with the mother, in which the father would have to sleep.

Mr. Elliott, a surgeon, of Bellingham (Northumberland), stated that—

He had some time ago to step over fourteen beds in one room in an iron-work cottage to relieve a patient; and had frequently been shocked at the presence of men sleeping in the open apartment above during the time of a woman's confinement.

An equally deplorable state of things exists even in the metropolis, as is proved by the following account of the proceedings of the Whitechapel Vestry, reported in *The Metropolitan*, June 25, 1881:—

The following report from Mr. Battram, sanitary inspector, was read:—"I have to direct your attention to the unsanitary condition of the houses in the following courts, viz.:—Inkhorn Court, High Street, Whitechapel, Peter's Court, Little Peter's Court, part of the houses in Cartwright Street, Turner Street, Sun Court, Rose Court, Farthing Alley, Searl's Buildings, Hairbrain Court, and Parson's Court. This property has all been taken by the Metropolitan Board of Works, under the Artizans and Labourers' Dwellings Act, 1875.

At Nos. 3, 4, 5, 6, and 7, Inkhorn Court, the yards are flooded with liquid filth. The public privies are stopped, and they are in a filthy condition. This court is one included in the Flower and Dean Street scheme. I am informed that the tenants have paid no rent for the past month. Some of the houses have been shored up, being dangerous structures. The following are situated in the Whitechapel and Limehouse scheme:—Peter's Court; the houses generally dirty and dilapidated, the drains defective, the privies dilapidated, and the yards badly paved. The houses in Little Peter's Court, Cartwright Street, Turner Street, Sun Court, Farthing Alley, Rose Court, Searl's Buildings, Hairbrain Court, and Parson's Court, are in a similar state. In Sun Court there is no water supply, the tenants having to fetch their water from Rose Court. A more unsanitary state of things than exists in these courts cannot possibly be imagined, and steps should at once be taken to close the houses or to put them into a proper sanitary condition. I have, therefore, to ask you to take such steps as shall cause the above-named defects to be remedied at once, or it may cause a serious outbreak of fever, or other epidemic disease. I may add that I have communicated with the Metropolitan Board respecting sanitary defects existing in some of these houses; but nothing has been done to remedy the same."

Mr. Abrahams said it seemed only too clear that somebody should be indicted for this.

Major Munro said he felt bound to confess that the truth of the representations made by their sanitary officer was beyond denial; but the Metropolitan Board were not to blame in the matter.

Mr. Barham said he must deny that overcrowding was not increasing. He could vouch from what he had



strous and indescribable character went on in Spital-fields.

It was ordered that the sanitary inspector's report should be forwarded to the Metropolitan Board of Works; and the subject was also remitted to the Committee of Works for consideration.

The urgent need for remedial legislation is thus urged in a paper on "Overcrowding and Crime," issued by the Howard Association:—

The large amount of overcrowding, both in town and country tenements, is a most fruitful source of crime and vice. Yet its remedy is a subject of the utmost practical difficulty. Mr. Cross, as Home Secretary, devoted most earnest endeavours to grapple with it, by means of the "Artizans' Dwellings Act." But, unfortunately, this Act has in great degree become a failure, and has afresh exemplified the evils of mere permissive legislation. It was rendered applicable to all towns of 25,000 persons or upwards, that is to say, to about eighty towns. Recent able articles in the London, provincial, and other journals, show that in about sixty towns it remains a dead letter. In eleven it has led to discussion. In two or three it has resulted in the demolition of buildings, but not in their *erection*. So that it has even been perverted to great mischief. For it has both increased, by the demolitions, the previous overcrowding, and also, the demolitions have involved enormous expense. It is stated that in London, under its provisions, the dwellings on six sites have been demolished at a cost to the rate-payers of £734,000, the land being resold for less than £100,000, or at a loss ■ these sites of more than £600,000.

Here, again, legislation is weak. Private endeavours,

■ in the case of the Peabody Dwellings, Sir S. Waterlow's Buildings, and similar undertakings, have done far more. Yet legislation ought to be available for at least some good in this direction." The old Romans had *Ædiles*, government officers with great powers over the erection of buildings. *Britain also needs ædiles.* But every proposition of this sort causes an outcry from ignorant or interested persons, on the evils of "grand-motherly" or "paternal" government. Whereas ■ truly paternal government is a blessing to nations. The majority of mankind are, and must continue to be, in many respects as helpless as children. They need 'fathers' and guides. And where these are wanting, greedy avarice and noisy, selfish demagogues will step in and take their place. For example, there is free and independent America, where all modes of "paternal" government have been got rid of. But the poor of its cities are, in consequence, the victims of a more cruel avarice and godless despotism than in almost any other part of the world. For example, the *Philadelphia Journal* remarked in 1879, that in the seventeenth ward of New York city, "the average space for each inhabitant, man, woman, and child, is  $9\frac{1}{2}$  feet square. It takes fourteen to sixteen feet to bury one. This frightful fact epitomises, in a sentence, our tenement house system. Men live in ■ little ■ than half the area of ground their corpses occupy when dead. The consequences in disease—moral and political—are awful." Practically, thousands have *no homes*, but merely a part of ■ small bed at night. Hence the duration of life, of persons of 20 years of age, has been shortened in New York since 1810 (says the same journal) by nearly fourteen years.

An English medical statistician, Dr. Drysdale, shows, in a recent letter, that the condition of the poor in



142,000 persons per annum. This is probably much under the mark. One murder creates a sensation. Thousands pass without remark.

Modern city tenements (and many rural ones also) are, in innumerable instances, unsuitable for the essential objects of Domestic Devotion, Home Happiness, Hospitality, Education, and Health. How very much, then, that is opposed to the operation of the Kingdom of God is involved in this! How essentially a Religious Question does the remedy become.

Mr. C. L. Corkran, for thirty years the intelligent and good-hearted manager of the East London Mission amongst the poor (of Spitalfields), reports that in his district, "the waste of life, consequent on the condition of the people's dwellings, would be appalling if it was not so common. I could readily find a score of families, each of which, on an average, has lost five children, chiefly in their infancy. This waste of life has its hardening, almost deadening effect on the feelings of parents and their surviving offspring.

Sabbath Desecration, Intemperance, Crime, and Death, are all vastly involved in the question of overcrowding. And overcrowding itself is intimately connected with the laws affecting land and buildings. The subject is confessedly most difficult; but, considering its extreme importance, it should have much more attention than it has had hitherto from Governments and Parliament. All parties have too much neglected it for mere outlandish foreign politics and distractions. Only a few philanthropic individuals, or groups, have really taken it up. It is one of the greatest of home interests—both from a national and from a private point of view. The evils involved demand that mere local and vested private "rights" shall be, wherever necessary, resolutely and compulsively overridden. *Ædiles* are everywhere

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wanted ; not merely the existing public surveyors, but officers armed with effectual powers to prevent the erection of all dwellings unfit for human habitation, and to make fit those now unfit *at the expense of the owners and builders*. Deterrents should be raised against bad buildings.

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## II.—THE ORPHAN'S WRONG.

### *The Evil Effects of Bringing up Children in large Pauper Schools.*

Some years since great complaints were made of the continuing prevalence of ophthalmia amongst the pauper children in the Mitcham Schools. Mr. Hedley, the Government Inspector, said that “the hospital at Mitcham was of the most improved character, and yet in it he found upwards of thirty children all suffering from acute ophthalmia.” He urged the Guardians to send no more children there, but to keep them in the workhouse. This recommendation elicited an objection from a Guardian, who protested against exposing the poor children to the vicious example of elder paupers and “all the

Guardian, speaking of the Mitcham Schools, said, "they had spent £28,000 on the wretched place." It was added that the children were costing 9s. 0 $\frac{1}{4}$ d. per head per week!

This almost insuperable tendency of the District Schools to generate ophthalmia is acknowledged by Dr. Bridges, who states in a Report inserted in a Blue Book of the Local Government Board :—

I have never as yet visited a pauper school from which ophthalmia in one form or other was entirely absent.

In the same Blue Book, Mrs. Senior (an Inspector) reports :—

In one school I saw a child of six years old whose language was so horrible that the matron was obliged to send her as soon as lessons were over to one of the dormitories, in order to get her away from the other children. She was probably too young to know that it was to her interest to hold her tongue in the presence of the officers. In a few years she would be more cunning, and keep her bad language for the playground and dormitories. Another matron told me of a family of sisters who used to go in and out with their parents; the children returned each time more and more versed in sin, and exercised a very bad influence on the other girls. Among many officers who regretted the present system of mixing the two classes of children, . . . one school

mistress told me that the horrors which some children coming from low homes talked of could hardly be imagined! things of which she had no idea till she learnt them from the children. •

Notwithstanding, it is true that some of the officers and inspectors of pauper establishments hold strong opinions as to the necessity of combining the orphans with the casuals. Thus, in the Local Government Board Report for 1873, Mr. Tufnell asserted that "the casuals get moralized by the orphan class." Whilst this may occasionally be the case to some extent, yet by the daily observed laws of human nature, and also on Scriptural authority, the general result cannot fail to be other than that "evil communications corrupt good manners." It is unjust and cruel to the better class of orphans to associate them habitually with casuals of such a class that an Inspector declares in the 1874 Report, that a school wholly composed of them would be "*a hell upon earth.*"

The real education that the children need is that of being trained to *do* useful things in a practical, handy way. Where are they likely to learn this—in the everyday life of an industrious household, in conjunction with attendance at a day-school, or in the comparatively artificial helplessness of a crowded pauper boarding-school? As Mr. Peel (late of the Poor-Law Board) observes, in such cases "no family or domestic ties of any kind are established" in these institutions. But, as another authority of much experience remarks, "Family life is *God's own method of training*, and the further we depart from it the more we shall suffer in consequence." One of the Guardians of the Bath Union (Colonel Grant) writes of the pauper children—"They come out nearly useless. They are afraid to put out a candle; they cannot light a fire." And Sir John MacNeill (chief of the

declares that "every child brought up in a poor-house is in heart a pauper." Hence; even on grounds of economy alone, it is most undesirable so to train up workhouse children as to render them life-long dead-weights upon the ratepayers. But it is difficult, if not impossible, to avoid this, except by the boarding-out system.

An interesting article in *The Cornhill Magazine* thus illustrates the unpractical training given to pauper girls in the large schools, as narrated in the words of a little household drudge of this class :—

"Oh, I've been a servant for years!" said the little thing, who was ready enough to tell us all about herself. "I learnt ironing off the lady; I didn't know nothing about anything. I didn't know where to buy the wood for the fire," exploding with laughter at the idea. "I run along the street and asked the first person I saw where the wood shop was. I was frightened—oh, I was. They wasn't particular kind in my first place. I had plenty to eat—it wasn't anything of that. They jist give me an egg, and they says, 'There, get your dinner,' but not anything more. I had always slep in a ward full of other girls, and there I was all alone, and this was a great big house—oh, so big! and they told me to go downstairs, in ■ room by the kitchen all alone, with ■ long black passage. I got to break everything, I was so frightened; things tumbled down, I shook so, and they sent me back to Mrs. ———, at the schools. They said I was no good, ■ I broke everything; and so I did—oh, I was frightened! Then I got ■ place in a family where there ■■■ nine children. I was about fourteen then. I earned 2s. ■ week. I used to get up

and light the fire, bath them and dress them, and git their breakfasts, and the lady sometimes would go up to London on business, and then I had the baby too, and it couldn't be left, and had to be fed. I'd take them all out for a walk on the common. There was one a cripple. She couldn't walk about. I used to carry her on my back. Then there was dinner, and to wash up after; and then by that time it would be tea agin. And then I had to put the nine children to bed and bath them, and clean up the rooms and the fires at night: there was no time in the morning. And then there would be the gen'lman's supper to get. Oh! that was a hard place."

It is true that considerable attention is devoted in the District Schools to teaching the children geography, spelling, and reading. But these things are of far less value than a knowledge of household duties and family life, of which the District School children are so grossly ignorant. As a writer quoted in the 1874 Report of the Local Government Board observes:—

A girl is not necessarily a better woman, because she knows the height of all the mountains of Europe and can work out a fraction in her head; but she is decidedly better fitted for the duties she will be called upon to perform in life if she knows how to wash and tend a child, cook simple food well, and thoroughly clean a house. To do these duties really well requires



Perhaps the strongest condemnation of the District Schools was contained in a report of the Local Government Board, giving the result of an inquiry into the careers of *all* the girls sent out to service, from *all* the metropolitan pauper schools, during the years 1871-72. Of these, 670 in number altogether, information could only be obtained respecting 490. A majority of these, or 54 per cent., were found to have turned out in a manner officially characterized as "unsatisfactory," or "bad." Such an exhaustive investigation can hardly be regarded otherwise than as decisively condemnatory of the existing system, at least so far as the metropolitan districts are concerned.

Confirmatory evidence is also afforded by the Rescue Society of London, in one of whose annual reports the following statement occurs :—

This Society has received under its care large numbers of girls trained in district schools, who have been found upon the streets pursuing an abandoned course. Its Committee can, and does, cheerfully bear testimony to the deep interest taken in the welfare of the children by the governors and matrons, and especially by the chaplains attached to the schools ; but



the *system* is, the Committee think, wrong, and the chief error that which they have referred to. The system of large institutions is bad, even for comparatively innocent children. Many of the inmates of the district schools are vicious. These are intermixed with the better inclined and better trained, and contamination is certain.

*The Advantages and Successful Results of the System of Boarding-out Pauper Children in carefully Selected and Inspected Cottage Homes.*

This system has for over thirty years been in extensive adoption in Scotland with excellent results; in Ireland it has been increasingly put in practice for upwards of ten years past; and many counties of England and Wales have more recently adopted it.

Mr. James Brown, Inspector of the Poor at Paisley, writes most favourably of the Scotch experience of boarding-out, and adds :—

I don't imagine that we shall ever think of returning to institutional training. Under the most favourable circumstances, institutional training must be defective, and, as far as my experience goes, nothing can compensate for the absence of the salutary influences of family ties, individual liberty, and familiarity with *the ordinary every-day duties and conditions of life.*

With regard to Edinburgh and its long continuing and successful practice of boarding-out, the following is extracted from a letter addressed by Mr. G. Greig, Inspector of the Poor for the City Parish of Edinburgh, to Mr. William Tallack, of London, a Member of the Committee for Promoting the Boarding-out of Pauper Orphans:—

The average cost of 294 children boarded-out during the year has been—

For Board .....	£7	16	0
For Education.....	0	10	9
For Clothing .....	1	12	0
For Travelling Expenses, Super- intendence, and Removals ...	0	11	2
For Medical Attendance.....	0	2	7
	<hr/>		
	£10	12	6

Or 4s. 1d. per week.

I may mention that “travelling expenses, &c.,” includes the travelling expenses of my assistant, who visits all the children at least eight times a year, and my own and small committees of the Board, who visit them all once a year. Our allowance to the nurses for each child’s board, &c., is 3s. a week. The system has been in operation here in a limited degree for a great many years, and as at present for twenty-eight years. I have had the conduct, of it for twenty years, and have carefully watched for good and *bad* results.

We have just now 280 children out—consisting of orphans deserted and separated from their parents—

being the fewest we have had these twenty years back ; and I can testify that our system does neither encourage bastardy nor desertion. I *know* it *discourages* the latter, as I have tested the point. In this way : A woman deserts her children, they are admitted to the house ; visitors are allowed to see inmates for an hour every Saturday. The mother, by this means, always hears of her children's welfare. I have, however, removed them to the country, giving no information of their whereabouts, when the mother speedily turned up and demanded delivery of her children. Then as to increasing pauperism : We have children—pretty big ones—of the third generation on the out-door roll ; but in all my experience not *one* of the boarded-out children, unless from bodily disease. We have had two or three such, between twenty and thirty years of age, from consumption.

I may say, in regard to bastardy, that it prevails most in Kirkcudbright and Banff and Aberdeenshires, and the system of boarding-out is *not* in operation in these localities to any extent deserving notice, excepting in the City of Aberdeen, and I therefore cannot think there is any more reason for blaming the boarding-out system for our bastardy disgrace than that we have high mountains, damp climate, or any other thing objectors like Professor Fawcett might think of. Many Scotsmen have tried to discover the cause of bastardy and to check it. My friend, Dr. Begg, is sure it is the bothy system and bad cottages, and though he is very zealous to discover the cause, I am quite certain he would never think of the boarding-out system. It gives no encouragement to mothers, and by the good moral training of the children there is less chance of their going astray. Not one of my boarded-out girls during the last twenty

In visiting the nurses lately, with members of the Board, we received much gratifying information as to the conduct of the children who had been boarded-out. One young man regularly sent £1 each term to his former nurse to help pay her rent. Another had brought his wife and family to lodge with his former nurse during his holidays. Another was about to marry his former nurse's daughter, and she told us she was very proud of him. A well-dressed man called on me the other day in great distress, to say his old nurse had died, that he was to bury her, but I would have to get another nurse for the children now with her. This man is a baker, and the nurse told us before that he *never* forgot her.

The question may be asked, "How ever can children be healthfully maintained and cared for at a rate under 5s. per week each?" The answer is afforded by the results. It is done. And, generally speaking, the Scotch, Irish, and English children, placed out at this rate, are more comfortable, more kindly treated, more healthy, and turn out morally better, than those on whom from 7s. 6d. to 15s. per week is expended in large institutions where most of the money goes in salaries and cost of buildings.

The Earl of Delawarr, speaking in the House of Lords, said—

The average cost of ■ child in a District School is

nearly 10s. a week, but in the boarding-out system it does not exceed 5s. This system, which has prevailed in Scotland for many years, has been attended with great success. There it has not been confined to orphans and deserted children only, and it is stated that upwards of 7,000 are placed out to be boarded and taken care of.

Mr. Henley, in a report to the Poor-Law Board in the year 1870, on this system as practised in Scotland, said—

Boarded-out children certainly acquire a more robust constitution, and apparently greater mental activity, than children reared in an ordinary workhouse, and these two points strike at the very root of pauperism, as the majority who fall upon the rates do so from mental or physical weakness.

George Moore, Esq., the late High Sheriff of Cumberland, wrote :—

Two years ago I introduced this subject to the Boards of the several Unions in Cumberland, and went round to enquire personally, and see how far it might be possible that thoroughly trustworthy people could be found to take charge of these poor children, so that they might be removed from the contaminating influences of our workhouses. I am now happy to be in a position to state that these efforts were most successful, and that now the several unions, more particularly those of Carlisle, Wigton, and Cockermouth, have a large number of children who are boarded out under the system ; *and it is working most admirably in this county.* I sincerely trust that it may be extended throughout the kingdom.

R. E. Stolterfoht, Esq., of Sandown Park, Wavertree, wrote :—

The system has recommended itself more and more to our approval, the improvement both in the health and intelligence of the children being in each case very great, the foster-parents evincing real interest and affection for the children. One singular circumstance was that *all* the children, on reception, suffered from weak eyes or chronic head-colds.

The Rev. Prebendary Buckle (Vicar of Twerton), ex-Chairman of the Bath Board of Guardians, wrote :—

Experience extending over five years brings an increasing conviction to those who have watched it, that the plan is a good one, and that the majority of the children who come under it reap from it the benefits which had been anticipated. He adds : The tie established between the children and their foster-parents has a tendency to become an enduring one.

Colonel C. W. Grant, a Bath Guardian, wrote :—

I believe the system to be an excellent one, undoubtedly to the benefit of the poor children, and also of the ratepayers, when properly carried out. But I do not think we should expect never to have any failures. We must remember that, too frequently, these “children’s teeth have been set on edge by the sour grapes their fathers have eaten,” and that there is a great deal to undo and to be untaught.

The Rev. H. Wood, of Calverton, wrote :—



In all cases the personal comfort and habits of the children located here appear to be well cared for by the foster-parents, and a genuine kind interest felt in them. They are neatly and well dressed, without finery on the one hand, or meanness on the other. Workhouses and larger orphan schools are places of refuge indeed, but inevitably deficient in those attributes which alone constitute a *home*. The contrast as I have witnessed it here, when children drawn from the large pauper schools are placed in a family in the country, cared for by the foster-parents with their own children, fed, clothed, and sent regularly to school and to public worship, is truly refreshing to contemplate. It is a system in agreement with that wisdom and goodness of God which have, from the first, "set the solitary in families." And this has proved itself already to be *one of the very best plans for the prevention of crime* and for lifting up the lowest classes to respectability and honour.

### *The Post-office Servants' Orphan Home.*

Instead of making a large preliminary outlay on buildings and a staff of officers, the Committee of the "Post-office Orphans' Home" have, after careful enquiry, adopted the system of boarding-out their children "with carefully selected foster-parents, who are under the supervision of the Committee ;



expense of maintaining an establishment is altogether avoided." The Chairman of that Committee (Thomas Boucher, Esq., G.P.O.), at one of its annual meetings, expressed for himself and his colleagues a warm approval of "placing orphan children in comfortable homes, with foster-parents under whose guidance and care they can be better trained and fitted for the duties of life than under the cold and formal discipline of a large establishment."

*Summary of Recent Information regarding  
Boarding-out.*

LEEDS.—During the year ending June, 1880, 86 children were boarded-out: 36 boys, 50 girls. The Committee's report to the Board of Guardians closes with these words:—"Your Committee have, finally, the pleasant duty to perform of congratulating you upon the success attending a new and hitherto untried attempt (in this Union) to rescue from chronic pauperism so many poor children. This success demonstrates clearly the soundness of the views possessed by those Guardians whose advocacy was the means of initiating the measure, and whose energies in that direction have borne ample fruit. The present Committee, vigilantly watching the interests of their little charges, trust they will be able to secure the continuance of ■ work, which, having been successfully initiated, *promises lasting benefits in future.*"

Average cost per head, per week, 5s. 3½d. Nine children were claimed by relatives and taken off the rates when it was found they would be boarded-out where ready access could not be had to them.

CORK.—Eighteen years' experience up to August, 1880. 650 children boarded-out in several districts. 209 of that number still out; 417 have been adopted by foster-parents and are doing well; 20 have died; 4 returned to workhouse, but are now ready to go out to service.

The Committee report:—"After an experience of 18 years in the practical working of boarding-out, we have in the strongest possible language to recommend the system to the earnest consideration of the Board, in the hope that they will urge the Local Government Board to bring the subject before Government, and show the vital importance of having the provisions of the Boarding-out Act extended."

The Medical Officer reported, June 26th, 1880:—"I have this day inspected the children, and found them in excellent health. Their clean appearance and happy faces testify to the care taken of them. Some of the nurses informed me of their intention to adopt those children now in their charge."

OXFORD.—The Diocesan Conference, October, 1880, after thorough investigation by an appointed Committee, who considered the subject of "Boarding-out of Pauper Children in connection with the Church's duty to care for them," accepted the recommendations of the Committee, the first of which was, "That for the fostering of this movement small Committees of Clergy and Laity be nominated in each of the three Conventions of the Diocese."

WINDERMERE.—Boarding-out Committee. Miss Preusser, in her Report, May, 1881, gives the position of all the 48 children who have been under her Committee's care. Of these, 16 are in service, and with one exception giving satisfaction; one has died of consumption, after four years in service; one has been returned to the workhouse; and two have been claimed by relatives. The rest are still under care.

NOTTINGHAM.—Five years' trial with most satisfactory results. 42 children have been dealt with. "It is our experience," writes Mrs. Enfield of Nottingham, "that the children are treated and considered in every way by their foster-parents as their own children, and that the children get to love and respect them as parents. The Local Government Board Inspector reports that the children, as a whole, compare favourably in health and intelligence with the children in the workhouses."

AMPTHILL.—The Hon Mrs. Lowther writes :—"I am glad to say that all the children under our Committee (above 40) are prospering, and that there has been no drawback in any case. I have no hesitation in saying that the system, when properly carried out, works admirably; and I am anxious to see it more universally adopted, being more practical, more economical, and more conducive to the well-doing of the children than any other."

WAVERTREE, near Liverpool.—Committee ten years at work. 21 children under care, of whom 3 have been claimed by relatives, 1 is married, 8 are still in homes, 1 is a pupil-teacher, 8 are in service.

CLIFTON, near Bristol.—Miss Woodward, Hon. Secretary to the Committee, writes :—"After the experience of eleven years we feel qualified to speak most favourably of boarding-out orphan children in cottage homes. With

careful supervision it must succeed. In several instances the children when taken out of the Workhouse were so extremely delicate that there appeared little prospect of raising them ; but owing to the change of living, and the unwearied care of the foster-mothers, they rapidly improved. Only one death from illness has occurred, and that took place soon after the Committee was formed."

BIRMINGHAM.—King's Norton Boarding-out Committee has had 191 children under its care. Cost, 4s. 2d. per head, per week, in 1880.

TAMWORTH.—October, 1881. Guardians decided to commence Boarding-out system.

YORK.—Boarding-out was commenced about a year ago, when 15 children were placed under the system. No printed report has been issued yet, but Mr. Henry King writes : "So far as I can judge, the most sanguine anticipations I had formed are in a fair way of being realized ; the reports as to the comfort and well-being of the children are most satisfactory."

KINGSTON-ON-THAMES—In March, 1881, there were between 30 and 40 children boarded out, and the Guardians are most satisfied with the results of the system. They have no trouble with the children, and during the whole of the time (about ten years) that the system has been in work, there has not been one case of illness except a child with scrofulous glands, who has been sent to the sea-side.

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## III.—INTEMPERANCE.

*Intemperance as a Source of Crime.*

In addressing the Grand Jury at the Stafford Assizes recently, Mr. Justice Fry remarked upon the large number of cases from drunkenness, and said that the calendar resulting was one which must make every man ask himself whether he was exerting his power and influence to the uttermost to put an end to that fertile source of crime, evil, and misery. It was indeed difficult to say how much happier England would be if there were more sobriety and prudence on the part of the poorer classes.

Baron Dowse, presiding at the Dublin Commission Court, at the trial for murder of a Police-constable, remarked in his summing-up: "*I find drink at the bottom of almost every crime committed in Dublin.*"

The opinion of the Rev. J. W. Horsley, M.A., Chaplain of H.M. Prison, Clerkenwell, on this subject is very valuable, on account of his extensive experience in dealing with criminals. He writes as follows:—

The question, then, is this: What proportion of crime is directly or indirectly due to intemperate habits, the national drinking customs, and the facilities afforded for the continuance and spreading of the evil? My answer is, that half of the crime of England and Wales, at least, is directly, and an additional one-fourth indirectly, caused by intemperance. From Sir Matthew Hale to Mr. Justice Lush, judges have repeatedly said that their impression, derived from constant experience in every county, was that more than half of the crimes brought before them were so caused, sometimes by the influence of drink upon the offender, and sometimes by its influence on his victim. Lord Coleridge affirmed from the bench, "But for drink we might shut up nine out of ten of our prisons." And it must be here remembered that the majority of crimes arising out of intemperance do not come before the judges at assize, being summarily dealt with by justices and police-magistrates. The thirty odd thousand cases of "drunk and incapable," and "drunk and disorderly," in London alone, came not at all under the cognizance of the judges of superior courts, a fact which strengthens the argument to be drawn from their utterances. Much evidence given before the Lords' Committee on Intemperance deals with this point. Thus Canon Ellison hands in extracts from the returns received by the Church of England Temperance Society from chief constables, who say that of the criminals who come under their care, 75 per cent., 80, 85 per cent., two-thirds, five-fifths, four-fifths, nearly all, have been the victims of drinking habits and associates; while to the question, What proportion of those taken into custody are under the influence of liquor? answers are given varying from 25 to 90 per cent. A similar return from the governors or chaplains of gaols ascribes crime to drink



of twenty-two returns giving 76 per cent. ; while the proportion of recommitments, due to drinking, is said to be "75 per cent.," "four-fifths," "nearly all." Mr. Fowler says that in Swansea nineteen out of twenty offences are connected with drink, either directly, or arising out of the poverty induced by drink. Mr. R. O. Jones believes that three-fourths of the crime, or a great deal more, is the result of drinking. Mr. S. L. Anderson, Crown Solicitor in Ireland, says that the result of his experience and observation is that more than three-fourths of all the crimes prosecuted by indictment in Dublin are so caused, directly or indirectly ; a proportion which would be largely increased, as has already been pointed out, if offences summarily dealt with were included. In the County of Berwick, of 354 persons apprehended for criminal offences, 225 were drunk at the time. The Rev. J. Nugent says that nine-tenths of the prisoners in Liverpool gaol come there directly or indirectly through drink. One chief constable, of Blackburn, says it is not an exaggerated statement to say that 75 per cent. of all crimes and offences can be traced to drunkenness. Mr. J. Jervis thinks that three-fourths of the crime in Portsmouth is attributable to drink.

This evidence might be extended largely, and coming as it does from all parts of the country, and from persons in official positions—not merely teetotal fanatics, as some might politely say—it is the more remarkable in its concord. My personal experience leads me to fear simply that I may be understating the truth in taking the proportion of 75 per cent. Occasionally, for example, I determine, on receiving my daily lists of fresh admissions, on which the names and ages, but not the charges, are given, that I will see what proportion obtains in the first nine or twelve. On these lists almost invariably are nine out of twelve drink-caused cases, sometimes ten, sometimes even



eleven. Two such lists are before me as I write. One contains nine women, seven of whom have been directly and one indirectly brought in through drunkenness. The other contains six directly and two indirectly incarcerated through intemperance. To take another line of evidence : I noted one day that of twenty-two cases before the magistrate at Marylebone Police Court, twenty-one were charges of drunkenness, whereof fourteen were women. I obtained, therefore, a return of all the charges heard at that court in a week, and found that of 154 no less than 124 were for drunkenness. My friend, the Chaplain of Westminster Prison, writes that of 216 female convicted prisoners brought in in one week 187 were convicted of drunkenness or offences arising out of drink. Then a letter comes from a Metropolitan police magistrate, from which I make the following extract :—"It will be found, I believe, that drunkenness is at the bottom of nearly all crime. Yesterday, for instance, there were sixty-nine day charges before me, all arising, more or less, out of drunkenness, with the exception of twenty-two, which were almost entirely made up of charges against boys for playing tip-cat and gambling. These twenty-two cases may therefore be put on one side. On looking over the charge-book this morning I see that yesterday the sentences to terms of imprisonment for offences connected with or arising out of drunkenness amounted in the aggregate to something like twenty-nine months' imprisonment, and that is not taking into consideration persons who may have been sent to prison in default of paying fines. There were a number of cases of brutal assaults, all committed by persons under the influence of drink, and only one case of felony and that was committed by a woman who was under the influence of drink at the time."

that 75 per cent. is rather below than above the mark as the per-centage of crime due to intemperance.

Under the same head comes the crime of attempting suicide. I examine and tabulate carefully 300 consecutive cases (about 350 come under my notice in the course of the year), and find that 172 are caused by drink. I take thirty-three cases brought in last August, and find that eighteen are directly, three indirectly, and four probably, caused by intemperance. Bad enough; but sometimes it is worse—*e.g.*, in July, 1878, I found that of twenty-eight cases twenty-one were directly and one indirectly caused by the drunkenness of the prisoners, three by the drunkenness of husbands, and only three not apparently due to drink.

It may, therefore, be seen what a terribly wide basis exists on which one grounds the assertion that 75 per cent. of crime is directly or indirectly attributable to intemperance. Terrible is this state of affairs; more terrible is it to remember that the drunkards apprehended are but a tithe of those to whom that name must be given, for every one can nearly enumerate many quiet sots or other drunkards known to him ■ whom the policeman's hand has never been laid. In Birmingham there are some 1,850 publicans. On a certain night thirty-five of them were watched, and 883 persons were seen to leave their portals drunk, but yet the police records showed that on that night only twenty-nine persons were arrested for drunkenness.

An authority, speaking at a meeting at North Creak, said :—

I am afraid many of the beerhouses are little better than brothels. So strong is the competition that many

*Magisterial Action.*

The following letter appeared recently in the correspondence column of the *London Daily Chronicle*:—

Sir,—Any one visiting our Police Courts to hear the night charges cannot help feeling surprised and ashamed to see the batch of “drunk and disorderlies” brought up morning after morning before the sitting Magistrates. Discharged, or a fine of five, ten, or twenty shillings, or imprisonment for so many days, invariably follows the constable’s evidence. The fine in nine cases out of ten is paid before the rising of the Court by a “round robin” among the drunkard’s dissolute companions, the only effect being a return to old haunts and associates—neither wiser nor better, but only a few shillings the poorer. Sir, would it not be worth a trial if, at the magistrate’s discretion, the inebriates were remanded (without the option of bail) for three, five or seven days? Total abstinence, even for so short a time, would unmistakably bring the drunkards face to face with their social degradation. Kindly advice, or, if necessary, a severe reprimand from the Bench, might be the arresting step in saving many intemperate waifs from a downward course of crime, disease, and poverty. With your help, abler pens than mine may be induced to take up this national drawback, and introduce a better method than our present stereotyped and useless system, which does absolutely worse than nothing towards the reclamation of the habitual drunkard.

*Legislation in Holland.*

liquors passed the Second Chamber of the Dutch Legislature in May last by a majority of forty-nine, there being sixty votes recorded in its favour and eleven against it. The Bill provides for the granting of licenses in proportion to population, and the prevention of a disproportionate accumulation of public beerhouses and bars at any spot. It prohibits the sale of spirits in the public streets, or in those parts of towns inhabited exclusively by workmen. It further provides for the punishment by imprisonment of persons convicted of drunkenness in public places. The maximum number of licensed houses in future is to be one for every five hundred inhabitants in cities of over 50,000 population, one for every four hundred persons in places of from 20,000 to 50,000 inhabitants, one for every three hundred persons in places of between 10,000 and 20,000 inhabitants, and one for every two hundred and fifty persons in all communities containing a population of less than 10,000. Existing houses, however, are permitted to remain open during the life of the present proprietors.

*The Nation's Drink Bill for 1880.*

The following are extracts from a letter by Mr. William Hoyle, of Bury, Lancashire, respecting the expenditure upon intoxicating liquors :—

The quantity of malt used in brewing during the nine months ending September 30, 1880, was 31,787,518 bushels, and of sugar, 1,019,466 cwt., which was equal to 4,349,721 bushels of malt. Adding the two together, we get a total of 36,137,239 bushels; and taking the excise standard of two bushels of malt as brewing one barrel of beer it gives a total of 650,470,302 gallons of beer brewed from January 1st to September 30th. On the 1st of October the malt duty was abolished, and in place thereof a tax was put upon beer. The returns for the last three months of the year are given in beer, and they shew that during that period there were 7,072,741 barrels, or 254,618,676 gallons of beer consumed, or a total for the year of 905,088,978 gallons. The returns for spirits and wine are issued in the same form as formerly. The following table gives particulars of the quantities used, together with the money expended thereon. To enable a comparison to be made, I append the expenditure for 1879 :—

	Gallons.	s.	d.	1880. £	1879. £
Beer consumed .....	905,088,978	at	1 6	67,881,673	73,557,809
British Spirits do. ....	28,457,486	■	20 0	28,457,486	27,936,650
Foreign Spirits do. ....	8,477,512	„	24 0	10,173,014	11,449,021
Wine .....	15,852,335	■	18 0	14,267,102	13,450,583
British Wines, &c. (est.) ...	15,000,000	■	2 ■	1,500,000	1,750,000
				<u>122,279,275</u>	<u>128,143,863</u>

1879 of £5,864,588, or 4·6 per cent. Twenty years ago, in 1860, the drink bill was £86,897,683. Year by year, with two or three trifling exceptions, it continued to grow, until in 1876 it reached the enormous total of £147,288,760. In 1877 it fell to £142,009,231; in 1878 it rose a little, being £142,188,900; since 1878 it has fallen, as the table I have given shows. If the figures relating to the consumption of beer for the last three months of the year be compared with those for the previous nine months, it will be seen that there is a considerable increase shown. Those, however, who followed the Budget debates during July of last year will see reason to ascribe this increase not wholly to an increased consumption, but partly to the fact that the new method of collecting the duty from beer instead of from the malt registers more correctly the actual consumption, and that in former years the beer which was brewed and sold was considerably more than the returns of malt indicated. In Great Britain, according to Mr. Caird, the average rent of agricultural land is estimated at 30s. per acre. In Ireland, from returns which are issued by the Government, it appears to be about 15s. per acre.

In Great Britain there are 32,101,909 acres returned as cultivated	
land, which at 30s. gives .....	£48,152,863
In Ireland 15,357,856 acres, which at 15s. gives .....	11,518,392
Giving a total of .....	
	£59,671,255

Comparing these figures with the figures of the drink bill, it will be seen that the latter is more than double the entire rental of all the agricultural land in the United Kingdom.



## IV.—MISCARRIAGE OF JUSTICE.

*Inadequate Sentences.*

The following cases are taken from the newspapers named respectively at the close of each extract:—

## BARBAROUS CRUELTY TO AN INFANT.

Our correspondent telegraphs: At March, Thomas Vernon, of Liverpool, was committed for *one month* for brutally ill-treating a child thirteen months old. Mrs. Hart proved that the prisoner asked for lodgings for himself, wife, and babe, and, on being refused, said "If it was not for this little —— we could get lodgings anywhere." He struck the infant in the face with his clenched fist five or six times till the blood gushed from its eyes, nose, mouth, and ears, and he then grasped its throat and hit it again. Mr. Thomas O'Connor, surgeon, spoke of the marks about the child's face, breast, and under each ear. There was also a swelling on its throat, and it had one arm broken. The child's life was in danger. Great astonishment was expressed at the lenient sentence passed on the prisoner.—*Echo.*

## EXTRAORDINARY SENTENCES FOR WIFE-KILLING.

Cases of shocking brutality to women are becoming so common in our police records that it is a matter of extreme regret when the dispensers of justice allow themselves to be misled by sentimental reasons into visiting these offences with less severe sentences than they deserve. On Thursday, Lord Coleridge, presiding at the Central Criminal Court, had before him a man,



John Hunt by name, who, in a fit of drunken fury, had chased his wife round a field at Eltham, knocked her down, and then kicked her about the head in a manner which resulted in the death of his victim in the space of a very few minutes. Yet this atrocious ruffian has escaped with only *six weeks' imprisonment*, a sentence which is a good deal milder than is often inflicted on some hapless offender for the petty larceny of a pocket-handkerchief. The one only point in favour of this Eltham labourer, whom a soft-hearted jury recommended to mercy, was that he does not seem to have felt any deliberate malice against the wife whom he so cruelly did to death. They had had frequent quarrels before, he confessed, but on the whole lived "on terms of affection," and when he had recovered from the drunken fit in which the act was committed he appears to have been genuinely sorry for what he had done. All this was properly adduced in Court as evidence to reduce the crime from murder, for which the prisoner was indicted, to one of simple manslaughter; but in no way justified so lenient and palpably insufficient a sentence being pronounced as this miserable farce of *six weeks' incarceration* for a crime for which *six years* would have been too light a penalty. It is no wonder, as we read, that "the sentence caused some surprise in Court." At the same sitting another prisoner, James Lewis by name, was indicted for the manslaughter of a woman with whom he lived. The facts were of a somewhat similar description, and here too the fatal injuries were inflicted while the perpetrator of the outrage was under the influence of drink. The chief difference between this and the previous incident was that in the second case the woman was kicked in the back, while the wife of the Eltham labourer was kicked in the head, death resulting in both instances. Probably the public will be surprised to hear that James Lewis

received a sentence of five years' penal servitude, which is not a day too much for the dastardly attack he committed on ■ defenceless woman, but which undoubtedly offers ■ startling contrast to the ridiculously mild sentence passed on the more fortunate wife-kicker at Eltham.—*Daily Telegraph*, June, 1881.

#### OUTRAGE ON POLICE OFFICERS.

On Thursday, at the Jarrow Borough Police Court, John Conroy and William Donnelly were charged with having been drunk and disorderly, and with having assaulted Police Constable Harland. It appears that on Saturday night the officer saw the two prisoners drunk in Ferry Street, and creating a disturbance. He went and cautioned them, and ordered them home, when they immediately struck and knocked him down. While he was on the ground, the prisoners kicked him in the most brutal and unmerciful manner, until Sergeant Heslop came to his assistance. Sergeant Heslop in his evidence stated that he thought the prisoners would have killed Harland if he (witness) had not arrived in time. Conroy, who had been previously convicted, was committed for *one month's* and Donnelly for *fourteen days' imprisonment*. —*Newcastle Chronicle*, October 16, 1880.

#### ATROCIOUS BARBARITY TO A DONKEY.

At the Liverpool Police Court, before Mr. Mansfield, on Monday last, a ■ named Mahoney was convicted of having driven a four-pronged stable-fork into the side of a donkey, the last time with such force that the prongs of the fork were so bent that it could not be withdrawn, and was therefore left in the animal's side all night. He was sentenced to *three weeks' imprisonment* with hard labour.—*Times*, August 16, 1881.

## BRUTAL OUTRAGES ■ WOMEN.

The records of the police courts afford but melancholy reading to those who look for speedy results from the humanizing influences of the times in which we live. Take, for instance, one day's reports from the different Metropolitan police courts. At Lambeth, a man was committed for trial for brutally ill-using ■ woman. The evidence showed that he knocked her down, threw himself upon her, and tore her face open with his teeth. In the next case that came on at the same Court a man was charged with dragging his wife from her bed to the bottom of the house, and then beating her about the head with a piece of iron. But that she managed to attract a policeman by her cries she would probably have been murdered ; yet the brute who so ill-used her was let off with two months' imprisonment. At Marylebone, a labourer was charged with beating his wife with a broom until she became senseless. At Hammersmith, Daniel Griffith had to answer to a similar charge, the instrument employed being in this case ■ big stick, so vigorously applied that the woman is now dangerously ill in the West London Hospital ; whilst at the Thames Court it was proved that one John Hallsy, incensed at the refusal of ■ unfortunate girl to treat him, first knocked her down and then turned upon a third party, who sought to protect the poor woman from further violence, and stabbed him in several places. We talk of Irish outrages. They are bad enough ; but, at least, those who commit them can often plead that they are maddened by misery and injustice for which the law has hitherto given them ■ redress. That plea will not often hold good in England ; yet we are accustomed

to plume ourselves upon being the most moral and the most Christian nation on the face of the earth. The claim only requires to be examined to be disallowed.

Then take another day's reports. At the Worship Street police court a young man was charged with horribly ill-treating his wife because she interfered between him and a man with whom he was quarrelling. He struck her a heavy blow in the breast, and battered her face; she was nursing a young child, and a medical certificate bore witness to her injuries. Mr. Hannay did not punish him at all, but contented himself with binding the ruffian over to keep the peace. The same course was adopted by Mr. Marshall and Mr. Lermite with reference to a man who systematically and habitually starved and ill-used his wife and threatened her life, and had on one occasion beaten her about the head and snatched her baby from her to throw at her,—but she managed to rescue it. The man seemed to have no complaint against her, and could only be got to give a generous assurance that he “would not mind” trying to live happily with her. Another wretch kicked his wife, who was *enceinte*, and who is now suffering terribly at the hospital. In this case the Bench ordered ■ remand. At Hammersmith, a man was charged with frightfully beating an unfortunate woman in the face because he thought she had stolen his watch, which he seems to have afterwards found where he had put it. He was committed for trial. Another man ■ sentenced to two months' hard labour for an assault on his wife.—*Weekly Register*,

## Disproportionate Sentences.

### Offences against the Person.

At the Clerkenwell Police Court, on May 12, 1881, Dennis O'Connor, a labourer, was charged with violently assaulting the Rev. John Brooke and Mr. Redmond Steele, a barrister-at-law.—Evidence was given that while the two gentlemen were conversing the previous night in front of Mr. Brooke's residence, O'Connor pushed against them, and when remonstrated with, struck Mr. Brooke a violent blow in the mouth, knocking him down. On Mr. Steele interfering, he too was knocked down and violently kicked on the right hip, and on the right arm, elbow, and knee. O'Connor was given into the custody of a constable who arrived in time to witness part of the assault. Both prosecutors stated in court that they were suffering severely from the effects of his violence.—Mr. Barstow, the magistrate, sentenced defendant to ■ *fine of 40s. or one month's imprisonment with hard labour*. Prisoner was removed in custody.

Caroline Egerton, ■ widow, was sent to prison with hard labour for *six months* by the Halifax magistrates, on April 4, 1881, for an almost incredible act of brutality towards her daughter Annie, aged thirteen. Be-

### Offences against Property.

The Bristol magistrates, in May, 1881, sentenced ■ boy thirteen years of age, named George Winterson, to *ten days'* imprisonment, and *five years* in a reformatory for *sleeping in a tramcar*. The justices had previously imposed a fine of half-a-crown, or three days' imprisonment, but the mother, being appealed to, declined to pay the fine, believing three days' detention would do the boy good, as he was in the habit of sleeping out. The magistrates then committed him as above, and informed the mother that her husband would have to pay a good many half-crowns towards his maintenance in the reformatory.

At Ixworth Petty Sessions, in May, before Admiral Horton and other magistrates, Edward Simper, labourer, was committed for *fourteen days*, in default of paying 25s. and costs, for being in company with a man, named Rayner, who took game eggs from nests where they were at work. Simper *did not take any*, and nothing was known against him.



cause the child had told a falsehood she applied a red-hot poker to her tongue, and in the struggle to free herself the girl was severely burned ■ the tongue, cheek, neck, and shoulders.

At Reigate, on May 16, 1881, a man named Read was sent to prison for *fourteen days* for assaulting his son. He came home drunk the previous Saturday night, and threatened to murder everybody in the house. He shook and bullied his wife, who was dying of internal cancer and was in great suffering. His son pulled him off at her request, and the inhuman monster then assaulted him. While the ■ was in custody *his wife died*.

At Woolwich, on May 24, 1881, William Bulkwell, a navy, was charged with the following offences:—Police-constable John Green said he found the prisoner in the street bleeding from the head, ■ though he had been fighting or falling about. He ■ taken to the police-station, where a surgeon was sent for, and his head washed and dressed; but while this ■ being done, the prisoner suddenly turned and snapped at the hand of Inspector Owlett, who was holding his head, and bit one of his fingers off.—The inspector, who was in court, said that it was the forefinger of his right hand, and that it was bitten off at the first joint. He had the piece in his pocket.—Mary Ann Nash said the

At the Middlesex Sessions, in May, 1881, William Stevens, forty, pleaded guilty to stealing a sleeve-link, value 1s. 3d., from the person of Mr. Robert Long, and was sentenced to *five years' penal servitude, to be followed by seven years' police supervision*.—Arthur Smith and William Kellard, two young men, were found guilty of stealing ■ bag containing a small ■ of money and various articles of little value, from the person of Miss Dibden, while walking along the Euston Road, and were each sentenced to *six years' penal servitude, to be followed by three years' police supervision*.—Charles Silverside, thirty-four, for ■ somewhat similar offence, ■ sentenced to *five years' penal*

prisoner quarrelled with her ■ the previous night, and bit her through the fleshy part of the hand.—The prisoner treated the matter with indifference, and Mr. Balguy sentenced him to *four months' imprisonment* with hard labour.

At Westminster, John Carter, a rough-looking fellow, about thirty years of age, was charged with a violent assault upon Annie Palmer, of Currie Street, Nine Elms, a woman with whom he lived.—The prosecutrix stated that she had lived with the prisoner over three years, but frequently passed a most wretched existence. A day or two before, because she had no money to give him, he struck her and gave her a black eye. She forgave him that, as she had often done; but the previous night, when she was in Chelsea, because she asked him for money for a bit of food, he struck her again in the eye, and caused her intense pain. He also kicked her in the groin.—Mr. D'Eyncourt said it was evident that prisoner, even in Court, was a perfect savage. He should restrain his savage propensities, for ■ time at all events, by sending him to prison for *two months* with hard labour.

*servitude.* — Henry Randall, twenty, was found guilty of stealing ■ watch and sundry articles of wearing apparel from his lodgings, and he was ordered to be kept in penal servitude for *five years*, to be followed by *two years' police supervision*.—Previous convictions were proved against each of the prisoners.

At Durham, two boys, named Joseph Stoves and James Sutherland, aged respectively twelve and ten years, were charged with stealing apples belonging to Thomas Anderson, at Kepler Gardens. The elder boy was found in the garden with his pockets full of apples; the other boy, Sutherland, in the act of pulling apples off the trees. The value of the apples taken by the prisoners was threepence.—Prisoners elected to be tried summarily, and the chairman said that the parents ought to have taken better care of them; but as they appeared to have been unable to do so, prisoners would be sent where they would be taken care of and punished.—Stoves was then sentenced to *two months' imprisonment* with hard labour, and the other boy to *one month's* hard labour.

The following comments by the London press also bring out the remarkable disparity between sentences for offences against the person, and for those against property:—



The magistrates of Accrington have, we are sorry to say, adopted the Barstow Brutal Assault Tariff. In that town, for the small charge of twenty shillings and a shilling or two for costs, a member of the ruffian class may go up to an unoffending woman who is passing along the street—not merely a member of the unfortunate class, but the wife, or sister, or mother of a respectable citizen—may fell her to the ground, and kick her about the face and body. We presume that a somewhat higher tariff would be charged if the victim happened to be the wife, sister, or daughter of a magistrate. Accrington must be a nice place to live in for cowardly roughs with worse than brutal propensities. It was only a few weeks ago that a strong outcry was raised in Lancashire against the astonishingly light sentence which Mr. Justice Watkin Williams passed upon two ruffians who had wantonly kicked a man to death with their heavy clogs, and he was warned that such misplaced leniency was rather calculated to increase, than act as a deterrent from, crime. The sentence of the Accrington magistrates goes yet further in the same direction. It is high time that the Home Secretary took seriously into consideration whether it is not possible so to alter the law as to make it obligatory upon eccentric Magistrates to treat with as much seriousness a savage and wanton attack upon the person as the theft of a pocket handkerchief, or of a loaf of bread. The very same paper that records the Accrington case reports also the infliction of a fine of £50 upon the landlady of an hotel at Bala for buying ten pheasants from an unlicensed person. —*Echo*, May 19, 1881.

Lord Coleridge has improved upon the Barstow Brutal Assault Tariff. The drunken labourer at Eltham, who threw his wife down and then gave her a kick on the head, from which she died in seven or eight minutes,

has been sentenced by him to six weeks' hard labour. The judgment, it is said, caused some surprise in Court; it will certainly excite still        surprise outside it. There were several extenuating circumstances in the case. Both the prisoner and his wife were drunk; the latter had had the hardihood to kick her husband's dog; and the man bore a good character for general sobriety, kindness, and industry. These things afforded some ground for a mitigation of punishment; but, on the other hand, too great a stretch of mercy is a positive cruelty to the numerous class who run a constant risk of brutal ill-treatment from drunken labourers who think more of their dogs than their wives. Lord Coleridge himself does not consider that drunkenness is any great extenuation, for he remarked that the prisoner had wilfully deprived himself of reason. He then went on to observe that he must pass upon the prisoner a sentence to show that human life was a precious thing, and that sentence was *six weeks'* hard labour. In another Court, under the same roof, a man was being tried for receiving a stolen parcel of india-rubber cuttings, for which he received a sentence of *twelve months'* hard labour. The life of a woman, it seems, is not nearly so precious as a parcel of india-rubber cuttings.—*Echo*, May 27, 1881.

Street ruffians, if they are wise, will not overtax the patience of the public. They are becoming immoderately violent, and although treated, as usual, with inexplicable leniency by magistrates, evidently stand in some danger of losing even the sympathy of the bench, in which case they will be left absolutely without friends outside of their immediate circles. What, for instance, could be more unpardonable than the conduct of a man, by name Crockett, who was charged at the Thames Police Court yesterday with committing a violent and aggravated assault on an inoffensive woman whom he happened to

meet as he was walking along Tower Hill, on Tuesday night? For no reason except wanton brutality, Crockett struck the complainant ■ frightful a blow on the mouth that he actually knocked out four of her front teeth, loosened all the remainder, and split her lip open. 'The magistrate, observing that the prisoner 'appeared to be a very violent young man,' sentenced him to two months' imprisonment with hard labour, adding that the 'punishment was less than he deserved.' True enough; but why should this ruffian be treated with any tenderness? —*St. James's Gazette*, June 23, 1881.

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## V.—CRIME AND ITS PUNISHMENT.

### *Our Convict System.*

There are two distinct classes of prisons in this country, viz. :—

1. LOCAL GAOLS. For ordinary offenders, whose sentences do not exceed two years. (There are no sentences of three or four years, passed now.)

2. CONVICT PRISONS. For criminals sentenced to "Penal Servitude," the shortest sentence being for five years. Convicts have to spend the first nine months of their sentence in *separate* confinement in one of the *cellular* prisons of Penton-

ville, Millbank, or Mountjoy (Ireland). The remainder of their terms, forming the principal portion of the time, is occupied in working in the Gang Prisons, or on Convict Public Works—viz., Chatham, Portsmouth, Portland, Woking, Dartmoor, Parkhurst, and Spike Island (near Cork).

*Necessity for the Classification of Prisoners.*

The following is an extract from observations by the Ordinary of Newgate Gaol, which appeared a few years since in *The Times* :—

Those who laboured for the reformation of criminals had by no means the best chance of accomplishing the object for which they strived until a system was organized for the careful classification of prisoners. By indiscriminately associating old offenders with first offenders in the convict prisons, they would bring down men comparatively pure to the depraved notions and feelings of those whose lives had been one catalogue of crime. In Newgate the separate system was of the greatest value in that respect. There was nothing to hinder any one who chose from yielding to the good advice which he received, backed ■ it was by his enforced reflection upon the consequences which were inseparable from an evil life. During the nine months of probation, as they were termed, which immediately followed a sentence of penal servitude, everything was favourable to reformation. Every prisoner was easily accessible to the chaplain; and the separate system, so far as communication of prisoners with each

other was concerned, ■■■ ■■ limited as possible. But all that was entirely altered when convicts arrived at the public works prisons. There men laboured together in gangs of from ten or fifteen to fifty, and communication was easy and incessant.

The following is an article on the classification of prisoners, by an Ex-prisoner, which appeared in *The Weekly Times* :—

When I was at Portland there was a party or gang called "No. 32 party." It was under the charge of an old soldier, and it was composed of so great a variety of elements that I cannot do better than select it for the purpose of showing how great is the unwisdom of the present association of prisoners. To begin with, there was an old "fence," who, if the party had been organized into a committee, would certainly have been selected by the majority as their chairman. It is only doing him justice to say that there is no species of dishonesty or villainy with which he was not thoroughly acquainted. He had graduated in all the arts of thievery, and come off with high honours. He was an authority with all the thieves of the party, and it was admitted by them that if anybody knew his way about, Brown did. He had commenced his education in a reformatory school, where he had the opportunity to learn from a hundred young thieves an immense variety of clever tricks which enabled him at the end of his term to play havoc with the pockets of old gentlemen and unprotected ladies. Before he was eighteen years of age, and after having served ten or a dozen short terms of imprisonment, Brown had so distinguished himself that the late Chief Baron Pollock thought that five years of penal servitude was the least



Portland, and there in the brickfield he made ■ chum out of ■ clever burglar who was doing ten years. Of an enterprising turn of mind, Brown determined to make the best use of his time ; and long before his sentence had expired, he had thoroughly qualified himself for this new branch of thievery. On his release he sought the acquaintance of some thieves to whom he had been recommended while in prison, and they soon found him ■ “joint” to do. It is necessary I should explain that doing a “joint” means effecting a burglarious entrance. His first adventure in this line was accomplished with comparative ease, but it showed a capacity for calculation which augured well for his future success as a burglar. In a morning walk through the City he had noticed a warehouseman arrive, unlock a door, take out the key, apparently hang it behind the door, and then—after fastening the door open—ascend the staircase into a warehouse. It was but the work of a moment for Brown to possess himself of the key and adjourn to his chambers in Kent Street, Borough. Arrived there, he began to put into operation a “little game” in which he had been instructed by his chum at Portland. He first provided himself with a flat tin box just a little too large to contain the key. Into this box he put some preparation, the name of which, although he told me, I forget. It is, however, something which is used by engravers to finish their plates, and is, I presume, a sort of paste. He then inserted the key into the box of preparation, and, pressing the sides, obtained a perfect cast of the key.

- His next care was to replace the key behind the door of the warehouse, that no suspicion might be aroused. He then found his way to a locksmith who was in the confidence of the craft, and had a key manufactured. Thus armed he could of course enter at pleasure without running the risk of being seen picking or forcing the



lock. For several nights he obtained from the warehouse small parcels which were not likely to be immediately missed ; and at last, having made his preparations for removing the spoil rapidly, he made a large haul. After this, Mr. Brown boasted of a series of successes ; he married a very clever young lady who was engaged in the shoplifting business, and Fortune constantly favoured both "the brave" and "the fair."

Three years' run of luck was brought to a close by a vigilant detective, through whose efforts Mr. Brown was again under lock and key. At his trial, the only evidence as to character was the certificate of his former convictions, which obtained for him eight years more in her Majesty's service. At the close of this sentence, he thought it wise to adopt a more retired life, and set up business as "a fence." In this calling he made the acquaintance of a large number of London thieves, amongst whom he was very popular, for he had the reputation of paying a fair price, meaning that he would give as much as 3*s.* 6*d.* for every sovereign's worth of value. In the pursuit of this calling he made a slip which obtained him fourteen years more of penal servitude, in the course of which he was stationed at Gibraltar. He lived through this, and again started business as "a fence," and in the year 1876 he had come to Portland, at sixty years of age, to do his fourth term of imprisonment. His sentence now was twenty years, so that his public career as a thief and a receiver may be said to have ended. I have been thus particular in describing his accomplishments and his career, because at the time I was in "32 party" he was the tutor and confidential adviser of all the young prisoners with whom he came in contact.

Another of the dangerous classes in "32 party" was a Birmingham man, who had been imprisoned for passing counterfeit money. He was, as I was told by other

prisoners who had been his customers, ■ very clever coiner, and, ■ a coiner, had successfully eluded the vigilance of the police for many years. At one time, when he fancied that they were on his track, he had emigrated with his plant to South America, and he told me that in Rio he had so successfully engraved the face of the Emperor of Brazil, that the loyal subjects of that enlightened ruler had no hesitation in paying him seventeen dollars for what cost him the same number of shillings to manufacture. He was, I understand, particularly clever in producing counterfeit presentments of the sovereign and the florin. He told me that the perfection of his work depended upon the amount of real value he put into it, and for about 11s. 3d. he could produce a sovereign which would be accepted without hesitation. This man had been in the smiths' shop near the new church at Portland, and had, he told me, manufactured "snide" shillings and florins in the very prison shop, the material having been obtained for him by ■ prison officer, who bought many pounds of tobacco with the spurious coin.

A third man in this party was ■ man who had spent altogether seventeen years in prison for pocket-picking. He boasted that he got eleven gold watches and three silver ones, and seventeen purses, on the departure platform of the Crystal Palace at Sydenham during a certain Easter holiday. His description of the ingenuity displayed in these robberies was amazing. I think he will not return to the world until 1881, but there are doubtless some of his Portland pupils now in active service, of whom sightseers should beware. A fourth hopeful was a man of fifty-five, who told me that he had saved quite a nice little bit of money in the horse trade—I mean the horse-stealing trade. He used to take country trips, make descents upon unprotected stables, and in the

night run the horses to London. He had a house with ■ stable somewhere in the neighbourhood of the "Dogs' Home," on the Surrey side of the river. Those who knew the man outside the prison, spoke of him as a very clever artist. His neighbours, thinking he was a horse-dealer, were not surprised to see ■ variety of horses coming out of his stables; but, had they watched narrowly, they would have discovered that the horse which went into his stable at night never came out again. A chestnut or a grey may have gone into his stable overnight, but, if a search were made next day, nothing would be found but a black or a bay. He was so clever a disguiser that he used to boast that he had once sold a dealer his own horse, which he had stolen from him a few weeks previously. Fifteen years before I saw this man, he had done a "lagging" at Portland. He came back in 1874, having had, as he said, a fourteen years' run of luck. He was unrecognised by the police, and so had got off with a seven years' sentence. He had got a "bit of money" put away, and his intention was, on his release, to retire from active service, but to buy stolen horses from others at a low figure, and then, to use his own words, "fake them up," and sell them to cab-owners. He was very anxious to enlist help for the future, and one or two young ■ in the party whom he thought "smart" enough for the business had promised to communicate with him on their discharge, and, in the course of their work, listened eagerly to his instructions. Another shining light in "32 party" ■ a fellow who, amongst thieves, was known as a "running postman." His vocation was to run rapidly through the country from farm-house to manor-house, and from mansion to vicarage, ostensibly as the bearer of a begging-letter. He was so pious (professionally) that he ■ very successful in quartering himself for the night upon innocent farmers and parsons.

By his own admission, he made it a rule never to leave empty-handed. He had been convicted for small and large offences in different parts of the country thirty-four times, and was, in 1874, doing his third "lagging." There were two or three others of the thief class. There was Swinton, a clever burglar of thirty years' standing, who used to boast triumphantly that he was only doing his second imprisonment. He could detail the particular ways in which the safes of different makers could be opened, and it may be imagined with what eagerness all he had to tell was swallowed by men who had nothing else to occupy their minds. There was a dock-thief, who, under pretence of working in the Docks, did a good deal of thieving there, and who had been convicted before. There was a Liverpool thief, who for twenty years had picked a subsistence out of other people's pockets upon the landing-stage prior to the departure of steamers. He was an old thief. There was a bright youth of fifty from Newcastle, a very canny Scot, whose boast it was that at Glasgow, and afterwards at Newcastle, he had always done very well by "picking up" men on Saturday nights in public-houses before they reached home with their wages. He had, he said, thirty pounds in the hands of a Newcastle publican as a nest-egg, with which he proposed to "rig himself out" on his discharge, prior to starting business afresh in some other large town. All these men were inveterate, constitutional, or professional thieves. Thievery was not only their business, but their pastime. They revelled in their infamy, and it may be fairly assumed that as soon as they are released they will return to their "wallowing in the mire."

In close association with this hopeful band, in "32 party," there were a dozen men and boys of quite a different character, none of whom had ever, until their present sentence, been in prison; ~~many~~ of them highly culpable,

because, like myself, they had possessed early advantages which should have preserved them from crime, no matter how great the temptation ; others deserving of pity more than blame, and who were really being punished because they had miserable homes ■ which the gaunt spectre of want had stood at the threshold as they were about to enter in search of the evening meal, and had impelled them to turn back and commit ■ theft. Two others there were who had been guilty of no dishonesty, hard-working and industrious young men, who thought it grand to get drunk on each succeeding Saturday night, and who, on one of these occasions, and while under the influence of the demon Drink, had struck so hard a blow at a fellow-creature as had sent him into eternity. They were under a sentence of five years for manslaughter. When these two young men first went into “ 32 party” at Portland I am pretty sure that if anybody had called them thieves there would have been a fight. What they are now, after living a few years under the tutorship of the constitutional and professional thieves I have described, I cannot undertake to say, because I have had no means of following their steps ; but I can say truthfully that so long as I was there with them, I saw them week after week becoming more and more reckless, more and more obscene in their conversation, more and more interested in the disgusting and dangerous conversation of the heroes of ■ hundred crimes. I sincerely hope that when they were discharged they went out to a renewed life of honest industry, which, for the future, would be tempered by sobriety, but I do not believe they did ; and if they did, they did it in defiance of all the evil influences with which the Government had surrounded them at Portland. Before I left Portland, the young men in question had begun to laugh at and ridicule everything that partook of decency, and I should be most agreeably disappointed



if I could discover that they had not joined the "regular army" of crime. Another first offender who should most certainly not have been associated with the avowed foes of society, was ■ shopkeeper from a northern town, who for twenty years had carried on an honest business, and who had reared a large family in respectability and honour. He was one of the very few cases of first offenders I met with which could not be traced to the influence of drink. He was a victim of "hard times." An execution had been obtained against his stock and furniture. His creditor ■■ willing to stave it off upon receiving a note of hand with an endorsement. The note was given, but the endorsement was ■ forgery. No doubt the poor fellow hoped to take up the bill, but the fraud was discovered, and he was sent into penal servitude for seven years. Such crimes are dangerous to the best interests of society, and must, of course, be punished; but I very much doubt whether the best interests of society were served when that erring man was put into association with Messrs. Brown and Swinton for seven years. Another first offender was ■ man of partial education who was the owner of a laundry at Glasgow. He had been tempted into sin in ■ very peculiar way. For years he had been a Good Templar, and things had gone well with him. He was employed by ■ wholesale shirt and collar manufacturer in Glasgow to dress their goods. This brought him into contact with their manager, a fast young man of dazzling exterior. The laundryman, flattered by his notice, became his companion at the billiard-table, and was soon induced to drink. The tempter ■■ wanted to borrow ■■■ money. The money was supplied, and repaid by entering in a book ■ larger quantity of goods dressed by the laundry-■■■ This was a fraud; but the mode adopted by the Government to punish and reform this ■■■ is, I think,



indefensible. There was a young man of the middle class also in "32 party," who had been a bank clerk in London. Vanity, and a desire to emulate men who had larger means had led him to commit an act of dishonesty. He should undoubtedly have been made to feel that "the way of the transgressor is hard;" but if, as I believe, this young man had lots of good in him, which only required to be fortified by a little more moral courage, it must be admitted that the Government took special pains to prevent his acquiring it.

I have been particular in describing the elements of which "32 party" was composed, because I believe it to be a fair sample of other parties in all Public Works Prisons. The young and the old, the novice and the adept, the vilest of the vile and the comparatively innocent, who have been tempted into one sin, are thrown together indiscriminately.

The vicious party is noisy and assuming, and self-asserting and intolerant; ever circulating its nauseous and disgusting dogmas. The more innocent are naturally retiring and quiet at first, but the fact that they have fallen into sin shows that they have weak natures. Can it be wondered at, if, being taught by their surroundings that for the future they will be scouted and scorned by the good and the virtuous, they join the army of the avowed foes of society, and determine that for the rest of their lives they will defy all moral restraints and be revenged upon society for having consigned them to infamy instead of regenerating them? This will of course be met by the old objection, that it is very easy to find fault, but not so easy to propound a remedy. Now, having shown in this letter exactly what the evil is, I propose in my next to propound the remedy, and to show that a proper classification of prisoners is not only easy, but that one result of it would be a large reduction in the cost of prison establishments.

I also propose to argue that on the common ground of humanity, leaving Christianity altogether out of the question, it is the duty of the Government to make some effort to rescue the fallen.

The following is a letter to *The Standard* on the same subject:—

Sir,—There has been of late a great deal written about prisons and their inmates, and, having myself unfortunately been convicted and sentenced to five years' penal servitude, I am able to contribute to what has been already said.

Crime springs invariably from want of thought. Young men do wrong, and from bad they get to worse, simply through that unchristian spirit so strongly visible in this country of unforgiveness. Sending them to prison does not reclaim them, but, on the contrary, makes them hardened. If men were kept in separate confinement for short terms it would do them more good than sending them to Public Works Prisons, where, unfortunately, there is no classification of either crime or prisoners, and where the warders, all of whom have been in either the Army or Navy, are often brutal, pampering the old gaol bird, and exceeding their duty with those unfortunate men who see prison for the first time. Redress there is none, as you are not allowed to call another prisoner ■ a witness in proving your charge against an officer to the Governor; the result of which is, the Governor dismisses the case, and the officer in return charges you with making a false report, and gets you punished. This is the justice of her Majesty's Prisons; but, of course, it is part of the rules and regulations, ■ doubt.

It is not so much ■ ■ matter of complaint that I have written you, but to offer a few suggestions which

would, I am sure, tend to keep men out of prison and lessen the expense. The mark system is undoubtedly the very best, and the licence, or ticket of leave, the very worst. My suggestion is to abolish the licence system, not the police supervision, and give every man a better chance of once more becoming a respectable member of society, and, at the same time, keep a better check on criminals. This I will now explain. Every prisoner's sentence is calculated at the rate of six marks per diem, and for good conduct and industry he is entitled to receive eight marks per diem, which gives him a remission of one quarter of his sentence; this remission at present dates at nine months from conviction, instead of from conviction. Now, all prisoners are treated alike, whether it is a man's first offence or his third (without counting sometimes as much as a dozen minor offences ranging from one month to two years), which in my opinion is unjust. I would, therefore, propose that all prisoners from six months and upwards should receive remission at the rate of twelve marks per diem for first offence, ten marks per diem for second, eight marks for third, and six for fourth offence; that the remission should be for good conduct and industry, and should not be revoked during the first sentence; but that (although, in the meantime, the released prisoner should be entirely free and entitled to all the privileges and protection of any other citizen) the remission should be forfeited in the event of ■ reconviction. The prisoner would then have to serve, in addition to his second sentence, the unexpired portion of the first, and receive ten marks per diem, and so on till he reached his fourth conviction, when he would receive no remission, but be liable, in case of misconduct, to serve beyond his sentence any number of marks which the Governor might fine him for breach of prison rules. The class of hardened

old criminals at present receive no punishment with the exception of one, two, or three days' punishment-cells, which every man gets. They having no marks to lose, those who have receive a far greater punishment than these hardened old villains in proportion to their offence, which is unjust.

This system would entirely do away with the licence, as well as that gross injustice which at present causes judges to punish men not for their offence but for all past offences. I allude to prison warders attending to prove convictions. Also all prisoners who have reached their fourth conviction or more should have to undergo police supervision for the same time as their sentence—that is, if their sentence were five years it would carry five years' police supervision without a Judge ordering it.

These suggestions of mine, if adopted, would give a better chance to those truly unfortunate men who are at present wasting years of their lives in prison, to the great injury of their moral, mental, and bodily constitution through such lengthened association with the vilest of mankind. I am quite certain when this meets the eye of Governors and Directors of her Majesty's prisons, that they will readily agree with my suggestions in part, if not altogether.

Concerning the food, on the whole, it is both good and wholesome, but insufficient. As a proof, I lost in three years and eleven months sixty-five pounds of flesh, and have gained since my release two stone four pounds in fifteen months, but ■■■ still suffering from debility, caused through the great strain on the constitution and insufficient food. The Governors I served under were the right men in the right place: Captain Alexander and Major Griffiths—the latter especially—are most just in all their actions with both officers and men.

I am, Sir, your obedient servant,

■ EX-CONVICT."

*A Scriptural Treatment of Criminals.*

A pamphlet entitled, "Humanity and Humanitarianism," has these remarks :—

There are two opposite extremes, each mischievous to all parties concerned, towards which systems of criminal treatment are in turn liable to tend. Either, with a narrow heedlessness of the causes of crime, they are apt to aim at mere vindictive chastisement, almost always proved by the results to be ineffectual, even for deterrence ; or, with humane intentions, they permit such relaxation of needful stringency as to render the condition of the criminal more comfortable and desirable than that of the honest toiling poor, and so increase, rather than decrease, the ranks of offenders.

Hence, notwithstanding the progress of the age in many important movements, there has been comparatively little sustained adoption of a system combining effectually deterrence with reformation, by making it the basis of prison discipline to compel every offender to render both amends and *restitution*, so far as possible, to the State or to those whom he has injured ; and at the same time, by a sufficiently prolonged course of labour and instruction, to form such *habits* of industry and virtue as shall furnish to the criminal himself the education and guidance which every member of human society needs from some quarter, either private or public, but which so large a number fail to receive in time to prevent evil courses. This twofold principle of treatment is both preventive and restorative, both beneficent and punitive. It combines the two Scriptural principles of retributive justice and humane consideration. It reconciles " Eye for eye and tooth for tooth" with " Whatsoever ye would that men should do to you, do ye even



so to them." It unites the Mosaic command relative to the stealer of property—"He shall make *restitution* unto the owner thereof" (Exodus xxii. 12), with the New Testament precepts—"Even when ■ were with you, this we commanded you, that if any would not work, neither should he eat" (2 Thess. iii., 10), and "Let him that stole steal no more; but rather let him labour, working with his hands the thing which is good" (Ephes. iv. 28).

Crime must be rendered really *unprofitable* to the criminal. His idle habits must be effectually altered, which cannot be done by the system so prevalent in Great Britain, of causing scores of thousands of offenders to play at "bo-peep" with their jailers, by successive sentences of imprisonment for week upon week and fortnight upon fortnight—a system which brings the law and magistracy into contempt; effects no reformation, but does great mischief by its degrading effects; affords no time for the formation, or even inculcation of right habits; and saddles the honest ratepayer with enormous costs which are a sheer dead loss, in addition to the other injuries he has to suffer from this class of misdemeanants. For example, in one prison, that of Dundee, by no means an extraordinarily unfavourable illustration, the official report for 1869 admitted that "no fewer than fifty-three of the prisoners had been convicted upwards of fifty times." What ■ failure of the present system does this prove!

It must be fairly conceded that our convicts are taught much useful labour, and that many of the officials are anxious to do their duty towards those under their care. But *the system* greatly impedes them.



EXTRACTS FROM REVIEWS  
OF  
"OUR LAWS AND OUR POOR."

FROM

*The Times.*  
*The Morning Post.*  
*The Daily News.*  
*The Standard.*  
*The Daily Chronicle.*  
*The Pall Mall Gazette.*  
*The Court Journal.*  
*The City Press.*

*The School Board Chronicle.*  
*The Rock.*  
*The Friend.*  
*The Freemason.*  
*The English Independent.*  
*The Record.*  
*The Christian Globe.*  
*The Cosmopolitan.*

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*The Times.*

Mr. Francis Peek, whose name is well known in the metropolis as an active and zealous member of the London School Board, has done good service to the cause of social reform by a little volume, under this title, published by John B. Day, Savoy Street, Strand, in which he shows how hardly the existing laws are practically found to press upon the better disposed among our poor, and how often, as at present administered, they offer a premium to indolence and even to crime.

He divides his subject into three parts, treating respectively of the operation of the law; the wrongs of orphans; and, lastly, the just principles and true theory of punishment. In the first part, he shows by an appeal

city in the world must exceed a hundred in the year, if it be true that Coroners' juries have returned that verdict in 83 cases in only the central division of Middlesex, which does not include the poorer districts across the water; and that, taking into account the entire map of England and Wales, "one in every 27 of our fellow-countrymen and fellow-countrywomen is a pauper."

He next proceeds to account for this state of things, which he ascribes to the operation of several causes, such as reckless and improvident marriages, the relief of the idle, drunken, and vicious poor at the cost of their industrious brethren, the utter want of discrimination in the distribution of Poor-Law relief, and the mixture of confirmed vagrants with temporary sufferers from want in our workhouses. In the next chapter the author gives us some statistics as to the sanitary, or rather insanitary, arrangements of the homes of the poor in Bethnal Green, in the parish of St. George the Martyr, and in the Westminster Bridge Road, to which, we fancy, he might easily have added others equally as gloomy in Clerkenwell and in the neighbourhood of Gray's Inn Lane. These wretched homes tend to encourage drunkenness, if they do not actually cause it; and the homes are further demoralized by the inadequacy of the law for enforcing the duties of men towards their wives and their children. "To present this wrong in a more forcible manner," writes Mr. Peek, "let us compare the relative positions of the virtuous married woman and of the abandoned outcast, who lives at her pleasure, bringing into the world a family of illegitimate children. The poor, virtuous woman is in reality a slave to her husband, dependent on his whim for everything except the barest necessities of life, and exposed to suffer in herself, and through her children, from every freak of his bad temper, or his drunkenness. But, for the shameless outcast (so called) the law enforces a very

different treatment. It provides that, for every illegitimate child, she can claim from its father from half-a-crown to 5s. a week for its maintenance, and thus with a family of four or five illegitimate children she may live in uncontrolled comfort and comparative luxury, while her virtuous sister is toiling early and late to meet the wants of her legitimate family, and is, perhaps, suffering from the whims of a dissolute husband, being able to claim only the few shillings he has left of his wages after his drunken orgies."

Mr. Peek goes on to consider the fate of legitimate orphan children consigned to a workhouse existence, where no distinction or separation is made between them and those who have been brought up in vice from their infancy. For the preservation of such children as the former, with a view to inspire them with a hope of rising above their forlorn condition, Mr. Peek advocates the plan of removing them from the atmosphere of the workhouse and its surroundings, and of "boarding them out" among the respectable cottagers, as is done by wholesale in some other countries, where the plan is found to work exceedingly well and to show satisfactory results.

We will not follow Mr. Peek into the last of the three sections of his little book, in which he discusses the vexed question as to what is the real end and object of punishment; but it is worth while considering seriously his statement that, whereas one of the chief prisons in the United States, after defraying the entire cost of its inmates, has contributed profits to the extent of £5,000 a year to the revenue of the State, here in England, whenever it has been sought to make prison labour remunerative, we have only such meagre results to show as earnings of £5 and £7 in Stafford and Wakefield gaols respectively, to meet the cost of each criminal—about £32 a year—while "in the county gaol of Rut-

land each prisoner costs £125 ■ year, and earns nothing." Whatever may be thought of the social doctrines and principles laid down by Mr. Peek, at all events he has brought forward in the compass of less than 200 pages an important array of facts. The late Sir John Bowring and other philanthropists have, from time to time, endeavoured to show how prison labour could be made remunerative in England ; but the attempt has never yet been made with sufficient earnestness or on a sufficiently large scale.

*' The Morning Post.*

There are books and books, some being written by mere theorists or compilers, whilst others are the embodiment of the observations and experience of practical men. A work which comes under the latter description, and is entitled "Our Laws and Our Poor" (J. B. Day, London), has just been written by Mr. Francis Peek, an eminent London merchant and active member of the Metropolitan School Board and of the Howard Association. In the volume now under notice he gives expression to the conclusions respecting the operation of the laws affecting pauperism and crime as they have been forced upon his own observation during the performance of his official and philanthropic duties. He does not advocate any sweeping or radical changes, being himself a man of moderate political views and an attached member of the Church of England ; but he considers that, in several directions, important modifications of the existing laws affecting the poorer classes are urgently needed.

"The author advocates—at least for the orphan and deserted children—a much more general resort than at present to the practice of boarding them out in healthy cottage homes (by no ■■■■ "farming" them out in numbers, but never placing ■■■■ than two in each ■

cottage, and always under suitable care and supervision). Wherever carried out under these conditions the plan has answered admirably.

Mr. Peek protests against the "casting out" of pauper children, but earnestly recommends their being boarded out under carefully supervised and wholesome conditions of family life and home industry, away from the taint of Union-houses and the barrack-like system of large pauper schools, where hundreds of poor children are massed together. For his observations on various other important matters, we must refer the reader to the pages of his thoughtfully written and very suggestive work.

*The Daily News.*

Mr. Peek's fundamental idea is that the public do not sufficiently recognize the influence of the laws of the land upon the moral standard of the poor. Of the extent of the evil here indicated, few, perhaps, who have not read this book, have any notion. His remedy lies in a reform of our relieving-system, which can only be carried out by an increase of the number of relieving officers and a careful supervision of their labours. Mr. Peek's remarks on the rearing of pauper orphan children, for whom he suggests the finding of foster-parents in their own rank, ■ opposed to the Union-school system, will be read with interest.

It is startling to find that the cost of each child in the pauper District Schools is, all things included, about twelve shillings a week, or as much as the entire wages of an agricultural labourer. A less sum would clearly give an industrious pair of foster-parents a powerful motive to bring up a child decently and honestly, where it would be removed from the notoriously corrupting and humiliating influences of training among pauper children. •

We are, unfortunately, unable to do more than direct



attention to these subjects ■ treated in Mr. Peek's volume, which deals, however, in ■ practical way with the evils of our Prison System.

‡ *The Standard.*

As a Member of the London School Board and Chairman of the Society for Promoting the Boarding-out of Pauper Orphans, Mr. Peek has a right to be heard on the subject of "Our Laws and Our Poor;" and the aim of his little book is to awaken ■ benevolent interest in the condition of the pauper and criminal classes of our population. His view of the matter is that bad social customs, bad laws, and selfish neglect, lie at the root of much of the moral evil we see around us; but that correctives must be applied with discrimination and judgment. His suggested reforms, if not practicable at the present time, are at least worthy of consideration, being dictated by a humane sentiment and a feeling of sympathy with that portion of our fellow-subjects whose miserable condition he is anxious to ameliorate.

*The Daily Chronicle.*

The easy-going dwellers in our City—electors and elected—those who feel self-satisfied with the way in which they treat the world and those who delight in self-mortification, should read the book—one of no startling size, and composed of no dreaded statistics—just given to the world under this title by the pen of Mr. Francis Peek, one of the representatives of the City of London on the London School Board. We venture to say that there will be few, and those few need not be envied, who will rise from its perusal without qualms of conscience and feelings of shame and fear. Qualms of conscience will come to those who do not insist upon the hideous wrongs



perpetrated in the name of law upon the lowly and meek being remedied. It is all very well for ■■■ and women to answer, "We have no power," for the history of some of the most important legislative Acts shows that they have been gained by the mere proof of the evil existing. Let it be remembered that all who have sense, have power for good. Qualms of conscience will come to those who have not exercised this power, and should come to legislators such as those who have given to the leman and her children what is denied to the married woman and her children—the right to a proportionate part of a man's earnings for the maintenance of those whom he has caused to exist. The rulers of the law—the administrative powers—have cause to feel ashamed of the existence of a state of things in which the idle are encouraged to be idle, the improvident are encouraged to avoid the savings' bank, and the vicious suffer not for wasted opportunities and misapplied lives—so long, at least, ■ they keep to the level of pauperism. The so-called charitable, too, should have their fears aroused in that they have not acted wisely. To them will come the reproach which "Old Tithonus" gave to the Queen of Light,—that she gave, as "wealthy men, who care not how they give," what had been to him a long life of sorrow, and their fears will be increased when they find that their indiscriminate charity has bred evils which are past recall, and that the objects of their alms are plague-spots, festering all around.

If Mr. Peek had some sensational evil to deal with, he might hope to at once arrest public attention—if it was something even which affected only one person sensationally, he might engage the attention of all London for more than a week, and engross the thought of the country for as long. But the subjects have no such striking features. One of the evils of which he speaks

—or rather one branch—affects, ■ he says, one in 27 of our population ; but others say—others, too, who have given official attention to the subject—that it affects no less than one in every seven of our population. This difference is a proof that Mr. Peek has no desire to exaggerate, and it is easy to see how the enormous difference between these two calculations arises.

. . . . . The points which Mr. Peek's book urges in regard to the treatment of the poor are—discriminate poor-relief, discriminate charity, and the proper training of pauper children by training them in families in preference to institutionising them. Discriminate poor-relief can be given by distinguishing between the worthy and the unworthy poor, and he earnestly bids the charitable to place restraint upon their feelings so as to be just to their neighbours and to the poor. In eloquent language he tells the story of the present anomalies of the Poor-Laws, and this story is as interesting as the creation of a novelist's brain, save in the respect that what Mr. Peek tells is true—and, worse, true of ourselves—and is of existing evils. People are always ready to enlist themselves on behalf of wrongs a long way off, and their sympathy is often aroused when the object of the sympathy is beyond help. . . . . Just laws, equitably administered—without provision being made for their equitable administration, laws are worse than useless—are necessary, and with them, though we may have that poverty which we are told on Divine authority we shall have always with us, we shall not have so much of the vice, the idleness, and helplessness which are now its accompaniments.

*The Pall Mall Gazette.*

The little volume lately published by Mr. Peek, under the title of "Our Laws and Our Poor," contains

some interesting information and remarks on the question of remunerative prison labour. It has been often maintained by reformers of our gaol system that prison labour could be made generally remunerative; and attempts have even now been made to do this, but not, it is asserted, on a sufficiently large scale. Yet that there would be no great difficulty in making our criminals pay for their own maintenance instead of burdening the community, provided earnest and intelligent men are placed at the head of our prisons, is a position which is amusingly illustrated by an anecdote related by Mr. Peek in the work above referred to. A prisoner was receiving his discharge from a governor, who, during his imprisonment, had enforced hard but remunerative employment, and now, on leaving explained to his late charge his reasons for doing so. "Do you mean to say," asked the prisoner, "that I have earned so much towards your salary?" "Yes," replied the governor, "you have earned for the gaol nearly double the cost of your own keep, and so much more for me for keeping you at your work." "Then you shall never see me here again," said the man, with excessive annoyance. There can be no doubt, it is added, that criminals often reflect with a sort of savage satisfaction that at present they are making the community pay heavily for keeping them shut up, and it is well they should be undeceived in the matter. It is, indeed, highly desirable that the feeling of "excessive annoyance" experienced by this prisoner should be very generally diffused among his class, and that the captive should more often than at present "regain his freedom with a sigh" at the thought that he has actually been working for the benefit of society during the term of his imprisonment.

*The Court Journal.*

"Our Laws and Our Poor," by Mr. Francis Peek, is

■ valuable contribution to our knowledge of Poor-Law administration. The author has made the condition of the poor ■ especial study, and ■ he has contributed most liberally to all plans for the amelioration of the condition of the pauper class, his observations and suggestions of improvement are those of a practical reformer, and do not proceed from the pen of a doctrinaire. Mr. Peek's useful remarks are supplemented by an appendix, containing numerous statistics and extracts from official reports bearing upon the poor and the laws affecting their condition. "Our Laws and Our Poor" will prove of great assistance to the legislator, and to those benevolent men and women who are endeavouring to stem the torrent of vice and misery so prevalent in our midst.

*The City Press.*

Many of the miseries of the poor are traced by the author to the pernicious tendency of our present Poor-Laws to offer a direct premium for improvidence and sloth. For example, he mentions that in a small country town, recently, a benevolent gentleman of influence was anxious to establish a provident savings' bank, and called a meeting of the working classes, with a view to enlist their co-operation. He urged upon them the duty of saving during the period of health and strength, for times of sickness and old age, and at first appeared to carry the meeting with him. At length however, a labourer rose, and asked to be informed whether, in case he should give up his beer, and by constant industry and application save sufficient to keep himself and wife in necessaries when no longer able to work for them, he would thereby be placed in any better position than any other ■ who spent everything he had earned on himself and then claimed

parochial relief. Of course no advantage was, or could be, shown under the existing Poor-Law, and the philanthropist's scheme fell to the ground. This simple incident is very suggestive of the evil influence which the Poor-Law has exerted, and still exerts, upon the working classes. They assert the right to spend all they earn without concern for the future, and feel neither shame in claiming, nor gratitude in receiving, the sustenance to which the law declares them entitled. The first step, therefore, to reduce the mass of pauperism is to undo the effect of the past teaching of the law, and introduce a healthier sentiment, by a legal recognition of the indisputable truth that improvidence is a crime. But at present the law justifies the poor in their widely-spread conviction that "self-denial is folly." Hence the writer advocates making character, and not mere destitution, the great qualification for obtaining out-door relief. On the heavy, hulking, lazy pauper, who has squandered his money in rioting and drunkenness, the law should bestow no unconditional relief; nothing but the barest sustenance, and that only with hard labour and in the Union-house, under the most stringent of conditions, as nearly like prison life as possible. By a rigid and general enforcement of this policy on all paupers of the idle, drunken, wife-neglecting class, the public saving would soon be considerable, for fewer paupers would claim this salutary mode of "relief," and also there would be more money to spare for a more kindly and discriminating treatment than at present of the better classes of the poor—the virtuous victims of unavoidable misfortune, the respectable widow, the diseased, the aged, and the young children.

For the author's observations on various other important matters we must refer the reader to the pages of his thoughtfully-written and very suggestive work.

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*The School Board Chronicle.*

Mr. Francis Peek is entitled to be heard on the condition of the poor in this country. He does not stand afar off and study reports and statistics. He makes himself acquainted, by personal observation, with the evils and the miseries of poverty, pauperism, and the outcast life of the lowest classes. His life may be said to be devoted, to a large extent, to the task of alleviating those evils and those miseries, and of taking such measures as may be possible for stopping their spreading and their perpetuation. He is no rash politician, following a cry or taking up with a charter. He has not gone among the poor with a theory to be confirmed, but has gone among them first with the sole view of seeing what it might be possible to do for them by charity ; and he has come away from the study with certain convictions, the result of his own experience and reflections. His chapters on "The Influence of the Law" are worthy of the gravest consideration of politicians, and of every man who is entitled to vote in a Parliamentary or local election.

*The Rock.*

From the author's position as a member of the Howard Association he has evidently been able to collect a very large number of striking facts, and he uses them to good purpose. There is no mawkish sentimentality in his pages. The treatment he urges is one that shall be at once retributive, deterrent, and remedial. Mr. Peek is well known as the determined and energetic promoter of Bible education, and in this volume his extreme value for the Book glows forth ; for the refrain throughout every part is that on Bible principles alone can wise laws be made, and that the key to all reform is found in the principle, "Whatsoever ye would that



men should do to you, do ye to them likewise." We recommend the careful perusal of this book to all our readers, and join with the author in the concluding wish of the preface, "that it may add many recruits to that militant band of those who think, and feel, and work for others."

### *The Friend.*

This little work has been written by Mr. Francis Peek, an active member of the School Board of London, and also of the Howard Association. It will be found both interesting and instructive to those of our readers who desire to see a further modification of the law in the direction of promoting increased providence and temperance in the habits of the people.

The book itself is written by a philanthropic and practical man, personally cognisant of the condition of the various classes of his fellow countrymen, and actively engaged in efforts for their welfare.

### *The Freemason.*

Mr. Francis Peek, one of the members of the London School Board, who has shown more than an earnest desire to inculcate a knowledge of the volume of the Sacred Law, for he has endowed his purpose of encouraging that knowledge among the poor children of London at a cost to himself of £500 a year, has now come forward with a small volume, under the title of "Our Laws and Our Poor," in which he advocates that system of discriminate charity carried out by our Brotherhood, and evinces a statesmanlike knowledge of the Poor-Laws, of defects in details, of the results of mal-administration, and of the evils to the community at large resulting from the ignorance displayed by the mere politicians who fill the high places. Mr. Peek's book is

opportune, for changes must come into our Poor-Law, and in pity to the poor to whom relief is administered, and on behalf of the poor, some of whose hard earnings go in rates, it is to be hoped that his earnest expressions will bring to him helpers in his work.

*The English Independent.*

We heartily welcome all such attempts to disturb the apathy which is too prevalent in regard to the enormous evils having their existence in our midst. Having had occasion to differ widely from Mr. Peek as to the advocacy which he has given to the system of denominationalism in our State-paid schools, we are specially rejoiced to find him in the matters thus touched upon so untrammelled by preconceived ideas, so accessible to the lessons taught by the logic of facts, and so thoroughly imbued with the spirit of enthusiasm for the removal of abuses. Without, of course, endorsing all his views, we heartily welcome him as a fellow-labourer in the career of practical philanthropy, and commend the facts and suggestions which he has embodied in this volume as calculated to prove by no means unfruitful for good in the future relations of the community, both with its suffering and with its erring members.

*The Record.*

In the volume before us, under the topics of "The Influence of the Law," "The Orphan's Wrong," and "Just Principles of Punishment," Mr. Peek has drawn attention to what he believes to be fertile sources of mischief and crime, his object being to bring public opinion to bear on these questions, and so lead to a more active interference by the Legislature and the Government on behalf of the suffering poor. Since the work was sent to the press, an effort has been made to deal with two

of the evils of which the author treats, viz., in regard to Labourers' Dwellings and Offences against the Person ; but the measures for these purposes are regarded only as instalments of what is actually required. As regards the Boarding-out of Orphans, on which Mr. Peek is peculiarly qualified to speak, we have little doubt that the advantages of the system must, sooner or later, commend it to the notice of the Local Government Boards and Boards of Guardians, and ensure its wide adoption.

It is easier to criticize than to legislate, easier to expose evils than to suggest an effectual remedy. Nevertheless, exposure is a step towards a remedy, and in this respect Mr. Peek's book may render some service, especially in drawing recruits, as he desires, "to the militant band of those who think and feel and work for others."

*The Christian Globe.*

The key-note of a new warfare against bad Poor-Laws, the ill-effects of which are heightened by mal-administration of a most deplorable character, has been struck by the writer of a small volume, entitled "Our Laws and our Poor." In this book much is given in a small compass. The lines of Mr. Peek's charges are clearly and sharply drawn, and, in distinct language, is given the issue that our laws are cruel to the helpless and deserving, and unjust to honest independent workers, from whom the law demands the means for the support of the reckless and depraved. The author states that it is his hope in some measure to accomplish two things by the publication of this book—one "to induce some benevolent men, now hesitating as to their vocation in life, to cast in their lot with the many workers who, while differing in forms of faith, are yet united in one great desire—to resist the progress of those mighty



powers of evil which, day by day, are degrading, crushing into misery, and destroying so many of our fellow-creatures, and strewing our paths with human wrecks, on which it is difficult to look without pain and humiliation."

It is the duty, indeed, of every right-doing man and woman to say "Amen" to the prayer which will be raised in many hearts that Mr. Peek's hopes may be more than fulfilled—that he may live to see his ethics recognized by all as the true principles upon which we shall deal with our poor, both by law and by charity.

In this volume of essays, its author has justified the choice of the citizens of London when they re-elected him to represent them on their School Board. There is not a page in this book which does not bear the impress of deep thought and sound judgment, and no reader with the type and feeling of thoughtful Englishmen, anxious to do right and eschew wrong, but will thank Mr. Peek for having drawn attention to these things.

*The Cosmopolitan.*

Another book of hard facts, almost as painful to read as "The Devil's Chain," is entitled "Our Laws and our Poor," from the pen of Francis Peek, Esq., a member of the London School Board. It is an earnest and severe criticism of the Poor-Laws and the treatment of the poor in England. A spirit of honest genuine philanthropy pervades this work, which ought to have an immediate effect on legislation. Mr. Peek deals in stubborn facts, with which he illustrates the Influence of the Law, the Wrongs of Orphans, and the Principles of Punishment."

